or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately 30 days that will prohibit entry within 500 yards of the vessels being used for sub-surface containment installation. It is categorically excluded from further review under paragraph I(60a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination will be made available in the docket where indicated under ADDRESSES.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the FOR FURTHER INFORMATION CONTACT section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:


2. Add §165.T08–0030 to read as follows:

§165.T08–0030 Safety Zone; Mississippi Canyon Block 20, South of New Orleans, LA, Gulf of Mexico.

(a) Location. The following area is a safety zone: All navigable waters within a 500-yard radius around the vessels, OCEAN PATRIOT and ROSS CANDIES, in Mississippi Canyon Block 20, South of New Orleans, LA, in the Gulf of Mexico.

(b) Effective period. This section is effective from 6 a.m. on February 14, 2019, through 8 p.m. on March 14, 2019.

(c) Regulations. (1) In accordance with the general regulations in §165.23, entry into or remaining within this zone is prohibited unless authorized by the Captain of the Port Sector New Orleans (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) Information broadcasts. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.


K.M. Luttrell,
Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2019–00511 Filed 1–31–19; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 36 and 668

[Docket ID ED–2019–OGC–0004]

RIN 1801–AA18

Adjustment of Civil Monetary Penalties for Inflation

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Department of Education (Department) issues these final regulations to adjust the Department’s civil monetary penalties (CMPs) for inflation. This adjustment is required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act). These final regulations provide the 2019 annual inflation adjustments being made to the penalty amounts in the Department’s final regulations published in the Federal Register on January 16, 2018 (2018 final rule).

DATES: These regulations are effective February 1, 2019. The adjusted CMPs established by these regulations are applicable only to civil penalties assessed after February 1, 2019 whose associated violations occurred after November 2, 2015.

FOR FURTHER INFORMATION CONTACT:

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Background. A CMP is defined in the Inflation Adjustment Act (28 U.S.C. 2461 note) as any penalty, fine, or other sanction that is (1) for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) assessed or enforced by an agency pursuant to Federal law; and (3) assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

The Inflation Adjustment Act provides for the regular evaluation of
The Department's Civil Monetary Penalties

The following analysis calculates new CMPs for penalty statutes in the order in which they appear in 34 CFR 36.2. The penalty amounts are being adjusted up based on the multiplier of 1.02522 provided in OMB Memorandum No. M–19–04.

Current Regulations: The CMP for 20 U.S.C. 1082(a)(3) (Section 432(g) of the HEA), as last set out in statute in 1986 (Pub. L. 99–498, title IV, section 402(a), October 17, 1986, 100 Stat. 1401), is a fine of up to $25,000 for failure by an institution of higher education (IHE) to provide information on the cost of higher education to the Commissioner of Education Statistics. In the 2018 final rule, we increased this amount to $37,601.

New Regulations: The new penalty for this section is $38,549.
Reason: Using the multiplier of 1.02522 from OMB Memorandum No. M–19–04, the new penalty is calculated as follows: $37,601 × 1.02522 = $38,549.30, which makes the adjusted penalty $38,549, when rounded to the nearest dollar.

Current Regulations: The CMP for 20 U.S.C. 1022(a)(3) (Section 205(a)(3) of the HEA), as last set out in statute in 2008 (Pub. L. 110–110, title II, section 201(2), August 14, 2008, 122 Stat. 3147), is a fine of up to $27,500 for failure by an IHE to provide information to the State and the public regarding its teacher-preparation programs. In the 2018 final rule, we increased this amount to $31,320.

New Regulations: The new penalty for this section is $32,110.
Reason: Using the multiplier of 1.02522 from OMB Memorandum No. M–19–04, the new penalty is calculated as follows: $31,320 × 1.02522 = $32,109.89, which makes the adjusted penalty $32,110, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1082(g).
Current Regulations: The CMP for 20 U.S.C. 1082(g) (Section 432(g) of the HEA), as last set out in statute in 1986 (Pub. L. 99–498, title IV, section 402(a), October 17, 1986, 100 Stat. 1401), is a fine of up to $25,000 for violations by lenders and guaranty agencies of Title IV of the HEA, which authorizes the Federal Family Education Loan Program. In the 2018 final rule, we increased this amount to $35,907.

New Regulations: The new penalty for this section is $37,517.
Reason: Using the multiplier of 1.02522 from OMB Memorandum No. M–19–04, the new penalty is calculated as follows: $35,907 × 1.02522 = $37,516.97, which makes the adjusted penalty $37,517, when rounded to the nearest dollar.

Current Regulations: The CMP for 20 U.S.C. 1094(c)(3)(B) (Section 487(c)(3)(B) of the HEA), as set out in statute in 1996 (Pub. L. 99–498, title IV, section 407(a), October 17, 1996, 100 Stat. 1488), is a fine of up to $25,000 for an IHE’s violation of Title IV of the HEA or its implementing regulations. Title IV authorizes various programs of student financial assistance. In the 2018 final rule, we increased this amount to $55,907.

New Regulations: The new penalty for this section is $57,317.
Reason: Using the multiplier of 1.02522 from OMB Memorandum No. M–19–04, the new penalty is calculated as follows: $55,907 × 1.02522 = $57,316.97, which makes the adjusted penalty $57,317, when rounded to the nearest dollar.

Current Regulations: The CMP for 20 U.S.C. 1228c(c)(2)(E) (Section 429 of the General Education Provisions Act), as set out in statute in 1994 (Pub. L. 103–382, title II, section 238, October 20, 1994, 108 Stat. 3918), is a fine of up to $1,000 for an educational organization’s failure to disclose certain information to minor students and their parents. In the 2018 final rule, we increased this amount to $1,650.

New Regulations: The new penalty for this section is $1,692.
Reason: Using the multiplier of 1.02522 from OMB Memorandum No. M–19–04, the new penalty is calculated as follows: $1,650 × 1.02522 = $1,691.61, which makes the adjusted penalty $1,692, when rounded to the nearest dollar.

Statute: 31 U.S.C. 1352(c)(1) and (c)(2)(A).
Current Regulations: The CMPs for 31 U.S.C. 1352(c)(1) and (c)(2)(A), as set out in statute in 1989 (Pub. L. 101–121, title III, section 319(a)(1), October 23, 1989, 103 Stat. 750), are a fine of $10,000 to $100,000 for recipients of Government grants, contracts, etc. that improperly lobby Congress or the Executive Branch with respect to the award of Government grants and contracts. In the 2018 final rule, we increased these amounts to $19,639 to $196,387.

New Regulations: The new penalties for these sections are $20,134 to $201,340.
Reason: Using the multiplier of 1.02522 from OMB Memorandum No. M–19–04, the new minimum penalty is calculated as follows: $19,639 × 1.02522 = $20,134.30, which makes the adjusted penalty $20,134, when rounded to the nearest dollar. The new maximum penalty is calculated as follows: $196,387 × 1.02522 = $201,339.88, which makes the adjusted penalty $201,340, when rounded to the nearest dollar.

Statute: 31 U.S.C. 3802(a)(1) and (a)(2).
Current Regulations: The CMPs for 31 U.S.C. 3802(a)(1) and (a)(2), as set out in statute in 1996 (Pub. L. 100–509, title VI, section 6103(a), October 21, 1996, 100 Stat. 1937), are a fine of up to $5,000 for false
claims and statements made to the
Government. In the 2018 final rule, we
increased this amount to $11,181.

New Regulations: The new penalty for
this section is $11,463.

Reason: Using the multiplier of
1.02522 from OMB Memorandum No.
M–19–04, the new penalty is calculated
as follows: $11,181 × 1.02522 =
$11,462.98, which makes the adjusted
penalty $11,463, when rounded to the
nearest dollar.

Executive Orders 12866, 13563, and
13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be
determined whether this regulatory
action is “significant” and, therefore, subject to the requirements of the
Executive order and subject to review by
OMB. Section 3(f) of Executive Order
12866 defines a significant regulatory
action as an action likely to result in a
rule that may—

1. Have an annual effect on the econ-
yomy of $100 million or more, or
adversely affect a sector of the econ-
omy; productivity; competition; jobs; the
environment; public health or safety; or
State, local, or Tribal governments or
communities in a material way (also
referred to as “economically significant”
regulations);

2. Create serious inconsistency or
otherwise interfere with an action taken
or planned by another agency;

3. Materially alter the budgetary
impacts of entitlement grants, user fees,
or loan programs or the rights and
obligations of recipients thereof; or

4. Raise novel legal or policy issues
arising out of legal mandates, the
President’s priorities, or the principles
stated in the Executive order.

We have determined that these final
regulations: (1) Exclusively implement
the annual adjustment; (2) are consistent
with OMB Memorandum No. M–19–04;
and (3) have an annual impact of less
than $100 million. Therefore, based on
OMB Memorandum No. M–19–04, this is
not a significant regulatory action
subject to review by OMB under section
3(f) of Executive Order 12866.

We have also reviewed these
regulations under Executive Order
13563, which supplements and
explicitly reaffirms the principles,
structures, and definitions governing
regulatory review established in
Executive Order 12866. To the extent
permitted by law, Executive Order
13563 requires that an agency—

1. Propose or adopt regulations only
upon a reasoned determination that
their benefits justify their costs
(recognizing that some benefits and
costs are difficult to quantify);

2. Tailor its regulations to impose the
least burden on society, consistent with
obtaining regulatory objectives and
taking into account, among other things,
and to the extent practicable, the costs
of cumulative regulations;

3. In choosing among alternative
regulatory approaches, select those
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety,
and other advantages; distributive
impacts; and equity);

4. To the extent feasible, specify
performance objectives, rather than the
behavior or manner of compliance a
regulated entity must adopt; and

5. Identify and assess available
alternatives to direct regulation,
including economic incentives—such as
user fees or marketable permits—to
encourage the desired behavior, or
providing information that enables the
public to make choices.

Executive Order 13563 also requires
an agency “to use the best available
techniques to anticipate present and future benefits and costs as
accurately as possible.” The Office of
Information and Regulatory Affairs of
OMB has emphasized that these
techniques may include “identifying
changing future compliance costs that
might result from technological
innovation or anticipated behavioral
changes.”

We are issuing these final regulations
as required by statute and in accordance
The Secretary has no discretion to
consider alternative approaches as
delineated in the Executive order. Based
on this analysis and the reasons stated
in the preamble, the Department
believes that these final regulations are
consistent with the principles in
Executive Order 13563.

Under Executive Order 13771, for
each new regulation that the
Department proposes for notice and
comment or otherwise promulgates that
is a significant regulatory action under
Executive Order 12866 and that imposes
total costs greater than zero, it must
identify two deregulatory actions. For
fiscal year 2019, any new incremental
costs associated with a new regulation
must be fully offset by the elimination
of existing costs through deregulatory
actions. These final regulations are not
a significant regulatory action.

Therefore, the requirements of
Executive Order 13771 do not apply.

Waiver of Rulemaking and Delayed
Effective Date

Under the Administrative Procedure
Act (APA) (5 U.S.C. 553), the
Department generally offers interested
parties the opportunity to comment on
proposed regulations. However, section
4(b)(2) of the 2015 Act (28 U.S.C. 2461
note) provides that the Secretary can
adjust these 2019 penalty amounts
notwithstanding the requirements of 5
U.S.C. 553. Therefore, the requirements
of 5 U.S.C. 553 for notice and comment
and delaying the effective date of a final
rule do not apply here.

Regulatory Flexibility Act Certification

The Secretary certifies that these
regulations will not have a significant
economic impact on a substantial
number of small entities. The formula
for the amount of the inflation
adjustments is prescribed by statute and
is not subject to the Secretary’s
discretion. These CMPs are infrequently
imposed by the Secretary, and the
regulations do not involve any special
considerations that might affect the
imposition of CMPs on small entities.

Paperwork Reduction Act of 1995

These regulations do not contain any
information collection requirements.

Intergovernmental Review

This program is not subject to
Executive Order 12372 and the
regulations in 34 CFR part 79.

Assessment of Educational Impact

Based on our own review, we have
determined that these regulations do not
require transmission of information that
any other agency or authority of the
United States gathers or makes
available.

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Specifically, through the advanced
search feature at this site, you can limit
your search to documents published by the
Department.

List of Subjects

34 CFR Part 36

Claims, Fraud, Penalties.
34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.


Betsy DeVos,
Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends parts 36 and 668 of title 34 of the Code of Federal Regulations as follows:

PART 36—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

1. The authority citation for part 36 continues to read as follows:

TABLE I—SECTION 36.2.—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
<th>New maximum (and minimum, if applicable) penalty amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 U.S.C. 1015(c)(5) (Section 131(c)(5) of the Higher Education Act of 1965 (HEA)).</td>
<td>Provides for a fine, as set by Congress in 1998, of up to $25,000 for failure by an institution of higher education (IHE) to provide information on the cost of higher education to the Commissioner of Education Statistics.</td>
<td>$38,549.</td>
</tr>
<tr>
<td>20 U.S.C. 1022d(a)(3) (Section 205(a)(3) of the HEA).</td>
<td>Provides for a fine, as set by Congress in 2008, of up to $27,500 for failure by an IHE to provide information to the State and the public regarding its teacher-preparation programs.</td>
<td>$32,110.</td>
</tr>
<tr>
<td>20 U.S.C. 1082(g) (Section 432(g) of the HEA).</td>
<td>Provides for a civil penalty, as set by Congress in 1986, of up to $25,000 for violations by lenders and guaranty agencies of Title IV of the HEA, which authorizes the Federal Family Education Loan Program.</td>
<td>$57,317.</td>
</tr>
<tr>
<td>20 U.S.C. 1094(c)(3)(B) (Section 487(c)(3)(B) of the HEA).</td>
<td>Provides for a civil penalty, as set by Congress in 1986, of up to $25,000 for an IHE’s violation of Title IV of the HEA, which authorizes various programs of student financial assistance.</td>
<td>$57,317.</td>
</tr>
<tr>
<td>20 U.S.C. 1228c(c)(2)(E) (Section 429 of the General Education Provisions Act).</td>
<td>Provides for a civil penalty, as set by Congress in 1994, of up to $1,000 for an educational organization’s failure to disclose certain information to minor students and their parents.</td>
<td>$1,692.</td>
</tr>
<tr>
<td>31 U.S.C. 1352(c)(1) and (c)(2)(A).</td>
<td>Provides for a civil penalty, as set by Congress in 1989, of $100,000 for recipients of Government grants, contracts, etc. that improperly lobby Congress or the Executive Branch with respect to the award of Government grants and contracts.</td>
<td>$20,134 to $201,340.</td>
</tr>
<tr>
<td>31 U.S.C. 3802(a)(1) and (a)(2).</td>
<td>Provides for a civil penalty, as set by Congress in 1986, of up to $5,000 for false claims and statements made to the Government.</td>
<td>$11,463.</td>
</tr>
</tbody>
</table>

**PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS**

3. The authority citation for part 668 continues to read as follows:


§ 668.84 [Amended]

4. Section 668.84 is amended in paragraph (a) by removing the number "$55,907" and adding in its place the number "$57,317". [FR Doc. 2019–00670 Filed 1–31–19; 8:45 am]

BILLING CODE 4000–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3035

[Docket No. RM2018–12; Order No. 4973]

Amendments to Market Test Rules

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting final rules amending the Commission’s regulations governing market tests of experimental products. The final rules revise the method for calculating applicable market test revenue limitations and clarify the process for filing a request to add a non-experimental product or price category based on an experimental product to the market dominant or competitive product list. For additional information, Order No. 4973 can be accessed electronically through the Commission’s website at https://www.prc.gov.


FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Relevant Statutory Requirements

II. Basis and Purpose of Rule Change

III. Final Rule

I. Relevant Statutory Requirements

Section 3641 of title 39 of the United States Code authorizes the Postal Service to conduct market tests of experimental products. 39 U.S.C. 3641. Generally, each product offered by the Postal Service must comply with section 3622 (governing market dominant products) or section 3633 (governing competitive products), as well as section 3642 (governing changes to the lists of market dominant and competitive products) and applicable regulations. Experimental products, however, are not subject to these requirements. 39 U.S.C. 3641(a)(2).