Aircraft Certification Service. Acting Director, System Oversight Division.

I. Background

In order to improve the effectiveness of CMPs and to maintain their deterrent effect, the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (“the Inflation Adjustment Act”), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74) (“the 2015 Act”), requires Federal agencies to adjust each CMP provided by law within the jurisdiction of the agency. The 2015 Act requires agencies to adjust the level of CMPs with an initial “catch-up” adjustment through an interim final rulemaking and to make subsequent annual adjustments for inflation, without needing to provide notice and the opportunity for public comment otherwise required by 5 U.S.C. 553. The 2015 Act provides that any increase in a CMP shall apply to CMPs that are assessed after the date the increase takes effect, regardless of whether the underlying violation predates such increase.1

II. Method of Calculation

The method of calculating CMP adjustments applied in this final rule is required by the 2015 Act. Under the 2015 Act and the Office of Management and Budget (“OMB”) guidance required by the 2015 Act, annual inflation adjustments subsequent to the initial catch-up adjustment are to be based on the percent change between the Consumer Price Index for all Urban Consumers (“CPI–U”) for the October preceding the date of the adjustment and the prior year’s October CPI–U. As set forth in OMB Memorandum M–19–04 of December 14, 2018, the adjustment multiplier for 2019 is 1.05252. In order to complete the 2019 annual adjustment, each current CMP is multiplied by the 2019 adjustment multiplier. Under the 2015 Act, any increase in CMP must be rounded to the nearest multiple of $1.

Procedural Matters

1. Administrative Procedure Act

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701(b)) requires agencies, beginning in 2017, to make annual adjustments for inflation to CMPs without needing to provide notice and the opportunity for public comment required by 5 U.S.C. 553. Additionally, the methodology used for adjusting CMPs for inflation, effective 2017, is provided by statute, with no discretion provided to agencies regarding the substance of the adjustments for inflation to CMPs. FinCEN is charged only with performing ministerial computations to determine the dollar amount of adjustments for inflation to CMPs. Accordingly, prior public notice and an opportunity for public comment and a delayed effective date are not required for this rule.

2. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply.

3. Executive Order 12866

This rule is not a significant regulatory action as defined in section 3.f of Executive Order 12866.

4. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.

List of Subjects in 31 CFR Part 1010

Authority delegations (Government agencies), Administrative practice and procedure, Banks, banking, Brokers, Currency, Foreign banking, Foreign currencies, Gambling, Investigations, Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, part 1010 of chapter X of title 31 of the Code of Federal Regulations is amended as follows:

PART 1010—GENERAL PROVISIONS

1. The authority citation for part 1010 continues to read as follows:


2. Amend §1010.821 by revising Table 1 of §1010.821 to read as follows:

§1010.821 Penalty adjustment and table.

<table>
<thead>
<tr>
<th>*</th>
<th>*</th>
<th>*</th>
<th>*</th>
<th>*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>
TABLE 1 OF § 1010.821—PENALTY ADJUSTMENT TABLE

<table>
<thead>
<tr>
<th>U.S. Code citation</th>
<th>Civil monetary penalty description</th>
<th>Penalties as last amended by statute</th>
<th>Maximum penalty amounts or range of minimum and maximum penalty amounts for penalties assessed on or after October 10, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 U.S.C. 1829b(j)</td>
<td>Relating to Recordkeeping Violations For Funds Transfers</td>
<td>$10,000</td>
<td>$21,039</td>
</tr>
<tr>
<td>12 U.S.C. 1955</td>
<td>Willful or Grossly Negligent Recordkeeping Violations</td>
<td>10,000</td>
<td>21,039</td>
</tr>
<tr>
<td>31 U.S.C. 5318(k)(3)(C)</td>
<td>Failure to Terminate Correspondent Relationship with Foreign Bank</td>
<td>10,000</td>
<td>14,231</td>
</tr>
<tr>
<td>31 U.S.C. 5321(a)(1)</td>
<td>General Civil Penalty</td>
<td>25,000</td>
<td>57,317</td>
</tr>
<tr>
<td>31 U.S.C. 5321(a)(6)(B)</td>
<td>Negligent Violation by Financial Institution or Non-Financial Trade or Business</td>
<td>500</td>
<td>1,146</td>
</tr>
<tr>
<td>31 U.S.C. 5321(a)(7)</td>
<td>Pattern of Negligent Activity by Financial Institution or Non-Financial Trade or Business</td>
<td>50,000</td>
<td>89,170</td>
</tr>
<tr>
<td>31 U.S.C. 5330(e)</td>
<td>Violation of Certain Due Diligence Requirements, Prohibition on Correspondent Accounts for Shell Banks, and Special Measures</td>
<td>1,000,000</td>
<td>1,423,088</td>
</tr>
<tr>
<td>31 U.S.C. 5330(e)</td>
<td>Civil Penalty for Failure to Register as Money Transmitting Business</td>
<td>5,000</td>
<td>8,457</td>
</tr>
</tbody>
</table>

DATES: This correction is effective on October 10, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Rachel Crowe, Marine Safety Unit Savannah Office of Waterways Management, Coast Guard; Waterways Management, Coast Guard; telephone 912–652–4353, extension 243, or email Rachel.M.Crowe@uscg.mil.

SUPPLEMENTARY INFORMATION:

Correction

In FR Rule Doc. 2019–20781, appearing on page 51413 in the Federal Register of Monday, September 30, 2019, the following corrections are made:

■ On page 51413, in the first column in Instruction No. 2, “§ 2019–0974” is corrected to read “§ 165.T07–0794”.

■ On page 51413, in the first column, the section heading “§ 2019–0794 Safety Zone; M/V GOLDEN RAY; Saint Simons Sound, GA.” is corrected to read, “§ 165.T07–0794 Safety Zone; M/V GOLDEN RAY; Saint Simons Sound, GA.”


M.W. Mumbach,
Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2019–21902 Filed 10–9–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0799]

RIN 1625–AA00

Safety Zone; Manasquan Inlet, Manasquan, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Manasquan Inlet between Manasquan, NJ, and Point Pleasant Beach, NJ. This action is necessary to protect event participants, spectators, and vessels transiting the area from potential hazards during the Manasquan Inlet Intercoastal Tug marine event. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, remaining within, transiting through, or anchoring in the safety zone unless authorized by the Captain of the Port Delaware Bay or a designated representative of the Captain of the Port.

DATES: This rule is effective from noon to 2:30 p.m. on October 12, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to https://www.regulations.gov; type USCG–2019–0799 in the “SEARCH” box and click “SEARCH.” Click on Open Docket