

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.516 to read as follows:

§ 165.516 Safety Zones; Waterway Training Areas, Captain of the Port Maryland-National Capital Region Zone.

(a) *Regulated areas.* The following areas are established as safety zones (these coordinates are based on Datum NAD 83):

(1) *Waterway training area Alpha.* All waters of the Patapsco River, encompassed by a line connecting the following points beginning at 39°14'07.98" N, 076°32'58.50" W; thence to 39°13'34.98" N, 076°32'24.00" W; thence to 39°13'22.50" N, 076°32'28.98" W; thence to 39°13'21.00" N, 076°33'12.00" W; and back to the beginning point.

(2) *Waterway training area Bravo.* All waters of the Chesapeake Bay, encompassed by a line connecting the following points beginning at 39°05'25.98" N, 076°20'20.04" W; thence to 39°04'40.02" N, 076°19'28.98" W; thence to 39°02'45.00" N, 076°22'09.00" W; thence to 39°03'30.00" N, 076°23'00.00" W; and back to the beginning point.

(3) *Waterway training area Charlie.* All waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°00'28.80" N, 076°22'43.80" W; thence to 38°01'18.00" N, 076°21'54.00" W; thence to 38°05'06.00" N, 076°27'43.20" W; thence to 38°04'40.20" N, 076°28'34.20" W; and back to the beginning point.

(4) *Waterway training area Delta.* All waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°32'31.14" N, 077°15'29.82" W; thence to 38°32'48.18" N, 077°15'54.24" W; thence to 38°33'34.56" N, 077°15'07.20" W; thence to 38°33'15.06" N, 077°14'39.54" W; and back to the beginning point.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means a Coast Guard commissioned, warrant, or petty officer designated by or assisting the COTP in the enforcement of the safety zones.

Training participant means a person or vessel authorized by the COTP as participating in the training event or otherwise designated by the COTP or the COTP's designated representative as having a function tied to the training event.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zones described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) Except for training participants, all vessels underway within this safety zone at the time it is activated are to depart the zone. To seek permission to enter, contact the COTP or the COTP's designated representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Enforcement.* The safety zones created by this section will be enforced only upon issuance of a Broadcast Notice to Mariners (BNM) by the COTP or the COTP's representative, as well as on-scene notice or other appropriate means in accordance with § 165.7.

Dated: January 7, 2020.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2020–00280 Filed 1–13–20; 8:45 am]

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DEPARTMENT OF EDUCATION

34 CFR Parts 36 and 668

RIN 1801–AA20

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 2020 annual inflation adjustments being made to the penalty amounts in the Department's final regulations published in the **Federal Register** on February 1, 2019 (2019 final rule). This rule was previously reported as RIN 1801–AA19.

DATES: These regulations are effective January 14, 2020. The adjusted CMPs established by these regulations are applicable only to civil penalties assessed after January 14, 2020 whose associated violations occurred after November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Levon Schlichter, U.S. Department of Education, Office of the General Counsel, 400 Maryland Avenue SW, Room 6E235, Washington, DC 20202–2241. Telephone: (202) 453–6387. Email: levon.schlichter@ed.gov.

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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 CMPs to ensure that they continue to maintain their deterrent value. The Inflation Adjustment Act required that each agency issue regulations to adjust its CMPs beginning in 1996 and at least every four years thereafter. The Department published its most recent cost adjustment to its CMPs in the **Federal Register** on February 1, 2019 (84 FR 971), and those adjustments became effective on the date of publication.

The 2015 Act (section 701 of Pub. L. 114–74) amended the Inflation Adjustment Act to improve the effectiveness of CMPs and to maintain their deterrent effect.

The 2015 Act requires agencies to: (1) Adjust the level of CMPs with an initial “catch-up” adjustment through an

interim final rule (IFR); and (2) make subsequent annual adjustments for inflation. Catch-up adjustments are based on the percentage change between the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October in the year the penalty was last adjusted by a statute other than the Inflation Adjustment Act, and the October 2015 CPI-U. Annual inflation adjustments are based on the percentage change between the October CPI-U preceding the date of each statutory adjustment, and the prior year's October CPI-U.¹ The Department published an IFR with the initial "catch-up" penalty adjustment amounts on August 1, 2016 (81 FR 50321).

In these final regulations, based on the CPI-U for the month of October 2019, not seasonally adjusted, we are annually adjusting each CMP amount by a multiplier for 2020 of 1.01764, as directed by the Office of Management and Budget (OMB) Memorandum No. M-20-05 issued on December 16, 2019.

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 1.01764 provided in OMB Memorandum No. M-20-05.

Statute: 20 U.S.C. 1015(c)(5).

Current Regulations: The CMP for 20 U.S.C. 1015(c)(5) (Section 131(c)(5) of the Higher Education Act of 1965, as amended (HEA)), as last set out in statute in 1998 (Pub. L. 105-244, title I, sec. 101(a), October 7, 1998, 112 Stat. 1602), 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 2019 final rule, we increased this amount to \$38,549.

New Regulations: The new penalty for this section is \$39,229.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new penalty is calculated as follows: $\$38,549 \times 1.01764 = \$39,229.00$, which makes the adjusted penalty \$39,229, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1022d(a)(3).

Current Regulations: The CMP for 20 U.S.C. 1022d(a)(3) (Section 205(a)(3) of the HEA), as last set out in statute in 2008 (Pub. L. 110-315, title II, sec. 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 2019 final rule, we increased this amount to \$32,110.

New Regulations: The new penalty for this section is \$32,676.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new penalty is calculated as follows: $\$32,110 \times 1.01764 = \$32,676.42$, which makes the adjusted penalty \$32,676, 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, sec. 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 2019 final rule, we increased this amount to \$57,317.

New Regulations: The new penalty for this section is \$58,328.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new penalty is calculated as follows: $\$57,317 \times 1.01764 = \$58,328.07$, which makes the adjusted penalty \$58,328, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1094(c)(3)(B).

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 1986 (Pub. L. 99-498, title IV, sec. 407(a), October 17, 1986, 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 2019 final rule, we increased this amount to \$57,317.

New Regulations: The new penalty for this section is \$58,328.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new penalty is calculated as follows: $\$57,317 \times 1.01764 = \$58,328.07$, which makes the adjusted penalty \$58,328, when rounded to the nearest dollar.

Statute: 20 U.S.C. 1228c(c)(2)(E).

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, sec. 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 2019 final rule, we increased this amount to \$1,692.

New Regulations: The new penalty for this section is \$1,722.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new penalty is calculated as follows: $\$1,692 \times 1.01764 = \$1,721.85$, which makes the adjusted penalty \$1,722, 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, sec. 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 2019 final rule, we increased these amounts to \$20,134 to \$201,340.

New Regulations: The new penalties for these sections are \$20,489 to \$204,892.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new minimum penalty is calculated as follows: $\$20,134 \times 1.01764 = \$20,489.16$, which makes the adjusted penalty \$20,489, when rounded to the nearest dollar. The new maximum penalty is calculated as follows: $\$201,340 \times 1.01764 = \$204,891.64$, which makes the adjusted penalty \$204,892, 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 1986 (Pub. L. 99-509, title VI, sec. 6103(a), Oct. 21, 1986, 100 Stat. 1937), are a fine of up to \$5,000 for false claims and statements made to the Government. In the 2019 final rule, we increased this amount to \$11,463.

New Regulations: The new penalty for this section is \$11,665.

Reason: Using the multiplier of 1.01764 from OMB Memorandum No. M-20-05, the new penalty is calculated as follows: $\$11,463 \times 1.01764 = \$11,665.21$, which makes the adjusted penalty \$11,665, 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

¹ If a statute that created a penalty is amended to change the penalty amount, the Department does not adjust the penalty in the year following the adjustment.

action as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy; 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–20–05; and (3) have an annual impact of less than \$100 million. Therefore, based on OMB Memorandum No. M–20–05, 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 quantify anticipated 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 with OMB Memorandum No. M–20–05. 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 2020, 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 2020 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

Pursuant to 5 U.S.C. 601(2), the Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking. The Regulatory Flexibility Act does not apply to this rulemaking because section 4(b)(2) of the 2015 Act (28 U.S.C. 2461 note) provides that the Secretary can adjust these 2020 penalty

amounts without publishing a general notice of proposed rulemaking.

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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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.

Dated: January 9, 2020.

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:

Authority: 20 U.S.C. 1221e-3 and 3474; 28 U.S.C. 2461 note, as amended by § 701 of Pub. L. 114-74, unless otherwise noted.

- 2. Section 36.2 is amended by:
- a. In the introductory text, removing “Table I” and adding “Table 1 of this section” in its place.

- b. Redesignating Table I as Table 1 and revising newly redesignated Table 1.

- c. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 36.2 Penalty adjustment.

* * * * *

TABLE 1 TO § 36.2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

Statute	Description	New maximum (and minimum, if applicable) penalty amount
20 U.S.C. 1015(c)(5) (Section 131(c)(5) of the Higher Education Act of 1965 (HEA)).	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.	\$39,229
20 U.S.C. 1022d(a)(3) (Section 205(a)(3) of the HEA).	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.	32,676
20 U.S.C. 1082(g) (Section 432(g) of the HEA).	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.	58,328
20 U.S.C. 1094(c)(3)(B) (Section 487(c)(3)(B) of the HEA).	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.	58,328
20 U.S.C. 1228c(c)(2)(E) (Section 429 of the General Education Provisions Act).	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.	1,722
31 U.S.C. 1352(c)(1) and (c)(2)(A)	Provides for a civil penalty, as set by Congress in 1989, 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.	20,489 to 204,892
31 U.S.C. 3802(a)(1) and (a)(2)	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.	11,665

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

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

Authority: 20 U.S.C. 1001-1003, 1070a, 1070g, 1085, 1087b, 1087d, 1087e, 1088, 1091, 1092, 1094, 1099c, 1099c-1, 1221e-3, and 3474; Pub. L. 111-256, 124 Stat. 2643; unless otherwise noted.

§ 668.84 [Amended]

- 4. Section 668.84(a)(1) introductory text is amended by removing the number “\$57,317” and adding in its place the number “\$58,328”.

[FR Doc. 2020-00413 Filed 1-13-20; 8:45 am]

BILLING CODE 4000-01-P

POSTAL SERVICE

39 CFR Part 233

Inspection Service Authority; Civil Monetary Penalty Inflation Adjustment

AGENCY: Postal Service™.

ACTION: Interim final rule.

SUMMARY: This document updates postal regulations by implementing inflation adjustments to civil monetary penalties that may be imposed under consumer

protection and mailability provisions enforced by the Postal Service pursuant to the Deceptive Mail Prevention and Enforcement Act and the Postal Accountability and Enhancement Act. These adjustments are required under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. This document includes the adjustments for 2020 for statutory civil monetary penalties subject to the 2015 Act.

DATES: *Effective date:* January 14, 2020.

FOR FURTHER INFORMATION CONTACT: Steven Sultan, (202) 268-7385, SESultan@uspis.gov.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114-74, 129 Stat. 584, amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), Public Law 101-410, 104 Stat. 890 (28 U.S.C. 2461 note), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. Section 3 of the 1990 Act specifically includes the Postal Service in the definition of “agency” subject to its provisions.

Beginning in 2017, the 2015 Act requires the Postal Service to make an annual adjustment for inflation to civil penalties that meet the definition of “civil monetary penalty” under the 1990 Act. The Postal Service must make the annual adjustment for inflation and publish the adjustment in the **Federal Register** by January 15 of each year. Each penalty will be adjusted as instructed by the Office of Management and Budget (OMB) based on the Consumer Price Index (CPI-U) from the most recent October. OMB has furnished detailed instructions regarding the annual adjustment for 2020 in memorandum M-20-05, *Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (December 16, 2019), <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf>. This year, OMB has advised that an adjustment multiplier of 1.01764 will be used. The new penalty amount must be rounded to the nearest dollar.

The 2015 Act allows the interim final rule and annual inflation adjustments to be published without prior public