

**25 CFR Part 211**

Geothermal energy, Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

**25 CFR Part 213**

Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

**25 CFR Part 225**

Geothermal energy, Indians—lands, Mineral resources, Mines, Oil and gas exploration, Penalties, Reporting and recordkeeping requirements, Surety bonds.

**25 CFR Part 226**

Indians—lands.

**25 CFR Part 227**

Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

**25 CFR Part 243**

Indians, Livestock.

**25 CFR Part 249**

Fishing, Indians.

For the reasons given in the preamble, the Department of the Interior amends chapter I of title 25 Code of Federal Regulations as follows.

**Title 25—Indians****CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR****PART 140—LICENSED INDIAN TRADERS**

■ 1. The authority citation for part 140 continues to read as follows:

**Authority:** Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066 as amended; 25 U.S.C. 261, 262; 94 Stat. 544, 18 U.S.C. 437; 25 U.S.C. 2 and 9; 5 U.S.C. 301; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

**§ 140.3 [Amended]**

■ 2. In § 140.3, remove “\$1,329” and add in its place “\$1,352”.

**PART 141—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS**

■ 3. The authority citation for part 141 continues to read as follows:

**Authority:** 5 U.S.C. 301; 25 U.S.C. 2 and 9; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

**§ 141.50 [Amended]**

■ 4. In § 141.50, remove “\$1,329” and add in its place “\$1,352”.

**PART 211—LEASING OF TRIBAL LANDS FOR MINERAL DEVELOPMENT**

■ 5. The authority citation for part 211 continues to read as follows:

**Authority:** Sec. 4, Act of May 11, 1938 (52 Stat. 347); Act of August 1, 1956 (70 Stat. 744); 25 U.S.C. 396a–g; 25 U.S.C. 2 and 9; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

**§ 211.55 [Amended]**

■ 6. In § 211.55(a), remove “\$1,597” and add in its place “\$1,626”.

**PART 213—LEASING OF RESTRICTED LANDS FOR MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING**

■ 7. The authority citation for part 213 continues to read as follows:

**Authority:** Sec. 2, 35 Stat. 312; sec. 18, 41 Stat. 426; sec. 1, 45 Stat. 495; sec. 1, 47 Stat. 777; 25 U.S.C. 356; and Sec. 701, Pub. L. 114–74, 129 Stat. 599. Interpret or apply secs. 3, 11, 35 Stat. 313, 316; sec. 8, 47 Stat. 779, unless otherwise noted.

**§ 213.37 [Amended]**

■ 8. In § 213.37, remove “\$1,329” and add in its place “\$1,352”.

**PART 225—OIL AND GAS, GEOTHERMAL, AND SOLID MINERALS AGREEMENTS**

■ 9. The authority citation for part 225 continues to read as follows:

**Authority:** 25 U.S.C. 2, 9, and 2101–2108; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

**§ 225.37 [Amended]**

■ 10. In § 225.37(a), remove “\$1,692” and add in its place “\$1,721”.

**PART 226—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING**

■ 9. The authority citation for part 226 continues to read as follows:

**Authority:** Sec. 3, 34 Stat. 543; secs. 1, 2, 45 Stat. 1478; sec. 3, 52 Stat. 1034, 1035; sec. 2(a), 92 Stat. 1660; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

**§ 226.42 [Amended]**

■ 10. In § 226.42, remove “\$948” and add in its place “\$965”.

**§ 226.43 [Amended]**

■ 11. In § 226.43:

■ a. Remove “\$94” each time it appears and add in each place “\$96” wherever it appears in this section.

■ b. In paragraph (e), remove “\$189” and add in its place “\$193”.

■ c. In paragraph (f), remove “\$379” and add in its place “\$385”.

■ d. In paragraph (g), remove “\$948” and add in its place “\$965”.

**PART 227—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING**

■ 12. The authority citation for part 227 continues to read as follows:

**Authority:** Sec. 1, 39 Stat. 519; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

**§ 227.24 [Amended]**

■ 13. In § 227.24, remove “\$1,329” and add in its place “\$1,352”.

**PART 243—REINDEER IN ALASKA**

■ 14. The authority citation for part 243 continues to read as follows:

**Authority:** Sec. 12, 50 Stat. 902; 25 U.S.C. 500K; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

**§ 243.8 [Amended]**

■ 15. In § 243.8(a) introductory text, remove “\$6,265” and add in its place “\$6,376”.

**PART 249—OFF-RESERVATION TREATY FISHING**

■ 16. The authority citation for part 249 continues to read as follows:

**Authority:** 25 U.S.C. 2, and 9; 5 U.S.C. 301; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

**§ 249.6 [Amended]**

■ 17. In § 249.6(b), remove “\$1,329” and add in its place “\$1,352”.

Dated: January 23, 2020.

**Tara Sweeney,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2020–02615 Filed 2–18–20; 8:45 am]

**BILLING CODE 4337–15–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[TD 9885]

RIN 1545–BO56

**Base Erosion and Anti-Abuse Tax; Correcting Amendment**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to Treasury Decision 9885, which was published in the **Federal**

**Register** on Friday, December 6, 2019. Treasury Decision 9885 implementing the base erosion and anti-abuse tax, designed to prevent the reduction of tax liability by certain large corporate taxpayers through certain payments made to foreign related parties and certain tax credits.

**DATES:** *Effective date.* This correction is effective on February 19, 2020 and is applicable on December 6, 2019.

**FOR FURTHER INFORMATION CONTACT:** Concerning § 1.59A–9, Azeka J. Abramoff, Sheila Ramaswamy, or Karen Walny at (202) 317–6938; concerning § 1.6038A–2, Brad McCormack or Anand Desai at (202) 317–6939 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 9885) that are the subject of this correction are under sections 59A and 6038A of the Internal Revenue Code.

**Need for Correction**

As published December 6, 2019 (84 FR 66968), the final regulations (TD 9885; FR Doc. 2019–25744) contained errors that may prove misleading and therefore need to be corrected.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.59A–9 is amended by revising the text of paragraphs (b)(1) and (c)(2)(ii) and the first sentence of paragraph (c)(5)(ii) to read as follows:

**§ 1.59A–9 Anti-abuse and recharacterization rules.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \* If a taxpayer pays or accrues an amount to one or more intermediaries (including an intermediary unrelated to the taxpayer) that would have been a base erosion payment if paid or accrued to a foreign related party, and one or more of the intermediaries makes (directly or indirectly) corresponding payments to or for the benefit of a foreign related party as part of a transaction (or series of transactions), plan or arrangement

that has as a principal purpose of avoiding a base erosion payment (or reducing the amount of a base erosion payment), the role of the intermediary or intermediaries is disregarded as a conduit, or the amount paid or accrued to the intermediary is treated as a base erosion payment, as appropriate.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(ii) \* \* \* The arrangement between FP, DC, and Corp A is deemed to result in a \$95x base erosion payment under paragraph (b)(1) of this section because DC’s payment to Corp A would have been a base erosion payment if paid to a foreign related party, and Corp A makes a corresponding payment to FP as part of the series of transactions that has as a principal purpose of avoiding a base erosion payment.

\* \* \* \* \*

(5) \* \* \*

(ii) \* \* \* The transactions between FP, DC, and Bank are deemed to result in a base erosion payment under paragraph (b)(1) of this section because DC’s payment to Bank would have been a base erosion payment if paid to a foreign related party, and Bank makes a corresponding payment to FP as part of the series of transactions that has as a principal purpose of avoiding a base erosion payment.\* \* \*

\* \* \* \* \*

■ **Par. 3.** Section 1.6038A–2(g) is amended by revising the third sentence to read as follows:

**§ 1.6038A–2 Requirement of return.**

\* \* \* \* \*

(g) \* \* \* Paragraph (b)(7)(ix) of this section applies to taxable years beginning on or after June 7, 2021. \* \* \*

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2020–02652 Filed 2–18–20; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY**

**Financial Crimes Enforcement Network**

**31 CFR Part 1010**

**Financial Crimes Enforcement Network; Inflation Adjustment of Civil Monetary Penalties**

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Final rule.

**SUMMARY:** FinCEN publishes this final rule to reflect inflation adjustments to its civil monetary penalties (“CMPs”) as mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (collectively referred to herein as the “2015 Act”). This rule adjusts certain CMPs within the jurisdiction of FinCEN to the maximum amount required by the 2015 Act.

**DATES:** Effective February 19, 2020.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Resource Center at (800) 767–2825 or email [frc@fincen.gov](mailto:frc@fincen.gov).

**SUPPLEMENTARY INFORMATION:**

**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 (“Inflation Adjustment Act”), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74) (“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 predated such increase.<sup>1</sup>

**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–20–05 of December 16, 2019, the adjustment multiplier for 2020 is 1.01764. In order to complete the 2020 annual adjustment, each current CMP is

<sup>1</sup> The increased CMPs, however, apply only with respect to underlying violations occurring after the date of enactment of the 2015 Act, *i.e.*, after November 2, 2015.