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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

FEDERAL RESERVE SYSTEM

12 CFR Part 263

[Docket No. R-1864]

RIN 7100-AG91

Rules of Practice for Hearings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (the “Board”) is issuing a final rule amending its rules of practice and procedure to adjust the amount of each civil money penalty (“CMP”) provided by law within its jurisdiction to account for inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective on January 13, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas O. Kelly, Senior Counsel (202/974-7059), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Ave. NW, Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact 202/263-4869.

SUPPLEMENTARY INFORMATION:

Federal Civil Penalties Inflation Adjustment Act

The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (“FCPIA Act”), requires federal agencies to adjust, by regulation, the CMPs within their jurisdiction to account for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the “2015 Act”) ¹ amended the FCPIA Act to require federal agencies to make annual adjustments not later than January 15 of every year.² The Board is now issuing a

new final rule to set the CMP levels pursuant to the required annual adjustment for 2025. The Board will apply these adjusted maximum penalty levels to any penalties assessed on or after January 13, 2025, whose associated violations occurred on or after November 2, 2015. Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the amounts set in the Board’s 2012 adjustment pursuant to the FCPIA Act.³

Under the 2015 Act, the annual adjustment to be made for 2025 is the percentage by which the Consumer Price Index for the month of October 2024 exceeds the Consumer Price Index for the month of October 2023. On December 17, 2024, as directed by the 2015 Act, the Office of Management and Budget (OMB) issued guidance to affected agencies on implementing the required annual adjustment which included the relevant inflation multiplier.⁴ Using OMB’s multiplier, the Board calculated the adjusted penalties for its CMPs, rounding the penalties to the nearest dollar.⁵

Administrative Procedure Act

The 2015 Act states that agencies shall make the annual adjustment “notwithstanding section 553 of title 5, United States Code.” Therefore, this rule is not subject to the provisions of the Administrative Procedure Act (the “APA”), 5 U.S.C. 553, requiring notice, public participation, and deferred effective date.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires a regulatory flexibility analysis only for rules for which an agency is required to publish a general notice of proposed rulemaking. Because the 2015 Act states that agencies’ annual adjustments are to be made notwithstanding section 553 of title 5 of United States Code—the APA

³ 77 FR 68680 (Nov. 16, 2012).

⁴ OMB Memorandum M-25-02, *Implementation of Penalty Inflation Adjustments for 2025, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 17, 2024).

⁵ Under the 2015 Act and implementing OMB guidance, agencies are not required to make an adjustment to a CMP if, during the 12 months preceding the required adjustment, such penalty increased due to a law other than the 2015 Act by an amount greater than the amount of the required adjustment. No other laws have adjusted the CMPs within the Board’s jurisdiction during the preceding 12 months.

section requiring notice of proposed rulemaking—the Board is not publishing a notice of proposed rulemaking. Therefore, the Regulatory Flexibility Act does not apply.

Paperwork Reduction Act

There is no collection of information required by this final rule that would be subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

List of Subjects in 12 CFR Part 263

Administrative practice and procedure, Claims, Crime, Equal access to justice, Lawyers, Penalties.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 263 as follows:

PART 263—RULES OF PRACTICE FOR HEARINGS

■ 1. The authority citation for part 263 continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 334, 347a, 504, 505, 1464, 1467, 1467a, 1817(j), 1818, 1820(k), 1829, 1831o, 1831p–1, 1832(c), 1847(b), 1847(d), 1884, 1972(2)(F), 3105, 3108, 3110, 3349, 3907, 3909(d), 4717, 5323, 5362, 5365, 5463, 5464, 5466, 5467; 15 U.S.C. 21, 781(i), 780–4, 780–5, 78u–2; 1639e(k); 28 U.S.C. 2461 note; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 2. Section 263.65 is revised to read as follows:

§ 263.65 Civil money penalty inflation adjustments.

(a) *Inflation adjustments.* In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, the Board has set forth in paragraph (b) of this section the adjusted maximum amounts for each civil money penalty provided by law within the Board’s jurisdiction. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The adjusted civil money penalties apply only to penalties assessed on or after January 13, 2025, whose associated violations occurred on or after November 2, 2015.

(b) *Maximum civil money penalties.* The maximum (or, in the cases of 12 U.S.C. 334 and 1832(c), fixed) civil money penalties as set forth in the

¹ Public Law 114–74, 129 Stat. 599 (2015) (codified at 28 U.S.C. 2461 note).

² 28 U.S.C. 2461 note, sec. 4(b)(1).

referenced statutory sections are set forth in the table in this paragraph (b).

TABLE 1 TO PARAGRAPH (b)

Statute	Adjusted civil money penalty
12 U.S.C. 324:	
Inadvertently late or misleading reports, inter alia	\$5,026
Other late or misleading reports, inter alia	50,265
Knowingly or reckless false or misleading reports, inter alia	2,513,215
12 U.S.C. 334	365
12 U.S.C. 374a	365
12 U.S.C. 504:	
First Tier	12,567
Second Tier	62,829
Third Tier	2,513,215
12 U.S.C. 505:	
First Tier	12,567
Second Tier	62,829
Third Tier	2,513,215
12 U.S.C. 1464(v)(4)	5,026
12 U.S.C. 1464(v)(5)	50,265
12 U.S.C. 1464(v)(6)	2,513,215
12 U.S.C. 1467a(i)(2)	62,829
12 U.S.C. 1467a(i)(3)	62,829
12 U.S.C. 1467a(r):	
First Tier	5,026
Second Tier	50,265
Third Tier	2,513,215
12 U.S.C. 1817(j)(16):	
First Tier	12,567
Second Tier	62,829
Third Tier	2,513,215
12 U.S.C. 1818(i)(2):	
First Tier	12,567
Second Tier	62,829
Third Tier	2,513,215
12 U.S.C. 1820(k)(6)(A)(ii)	413,388
12 U.S.C. 1832(c)	3,650
12 U.S.C. 1847(b)	62,829
12 U.S.C. 1847(d):	
First Tier	5,026
Second Tier	50,265
Third Tier	2,513,215
12 U.S.C. 1884	365
12 U.S.C. 1972(2)(F):	
First Tier	12,567
Second Tier	62,829
Third Tier	2,513,215
12 U.S.C. 3110(a)	57,435
12 U.S.C. 3110(c):	
First Tier	4,596
Second Tier	45,946
Third Tier	2,297,385
12 U.S.C. 3909(d)	3,126
15 U.S.C. 78u-2(b)(1):	
For a natural person	11,823
For any other person	118,225
15 U.S.C. 78u-2(b)(2):	
For a natural person	118,225
For any other person	591,127
15 U.S.C. 78u-2(b)(3):	
For a natural person	236,451
For any other person	1,182,251
15 U.S.C. 1639e(k)(1)	14,435
15 U.S.C. 1639e(k)(2)	28,866
42 U.S.C. 4012a(f)(5)	2,730

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2025-00419 Filed 1-10-25; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 653 and 655

Wage and Hour Division

29 CFR Part 501

[DOL Docket No. ETA-2009-0004]

Temporary Agricultural Employment of H-2A Aliens in the United States; Ratification of Department's Actions

AGENCY: Employment and Training Administration and Wage and Hour Division, Department of Labor.

ACTION: Ratification.

SUMMARY: The Department of Labor is publishing notification of the Assistant Secretary for Employment and Training's and the Administrator of the Wage and Hour Division's ratification of the rule published February 10, 2010, titled *Temporary Agricultural Employment of H-2A Aliens in the United States*.

DATES: This ratification was signed on January 7, 2025.

FOR FURTHER INFORMATION CONTACT:

For further information regarding 20 CFR part 655, contact Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-5311, Washington, DC 20210, telephone: (202) 693-8200 (this is not a toll-free number).

For further information regarding 29 CFR part 501, contact Daniel Navarrete, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210, telephone: (202) 693-0406 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone numbers above via Teletypewriter (TTY)/Telecommunications Device for the Deaf (TDD) by calling the toll-free Federal Information Relay Service at 1 (877) 889-5627.

SUPPLEMENTARY INFORMATION:

I. Background

On September 4, 2009, the Department of Labor ("DOL" or "Department") issued a notice of proposed rulemaking ("NPRM") in the **Federal Register** ("FR") to amend its regulations regarding the certification of temporary employment of nonimmigrant workers employed in temporary or seasonal agricultural employment and the enforcement of the obligations applicable to employers of such nonimmigrant workers. See *Temporary Agricultural Employment of H-2A Aliens in the United States*, 74 FR 45906 (Sept. 4, 2009) ("NPRM"). The NPRM was open for public comment for 45 days until October 5, 2009. See *Temporary Agricultural Employment of H-2A Aliens in the United States*, 75 FR 6884 (Feb. 12, 2010) ("Final Rule").

On February 12, 2010, DOL published a final rule in the FR that adopted much of the regulatory text proposed in the NPRM, with some important changes. See Final Rule, 75 FR at 6884. The Final Rule included improvements to the application processing procedures, worker protections, and program integrity measures. The Final Rule went into effect on March 15, 2010.

Since publication of the Final Rule, a question has been raised in litigation concerning whether a separate rule, *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in the Non-Range Occupations in the United States*, 88 FR 12760 (Feb. 28, 2023), was approved by the Attorney General in consultation with the Secretary of Labor and the Secretary of Agriculture. 8 U.S.C. 1188, Statutory Note.¹ Further, on November 25, 2024, the Secretary of Homeland Security, in consultation with the Secretary of Labor and Secretary of Agriculture, approved the Final Rule.

To resolve any possible uncertainty with respect to the Final Rule, the Department, through its Assistant Secretary for Employment and Training and its Administrator of the Wage and Hour Division, is ratifying the Final Rule. Under established case law, an agency may, through ratification, "purge[] any residual taint or prejudice left over from" a potential defect in a prior governmental action.² The Department is issuing this ratification out of an abundance of caution, and this

¹ Although this provision vests approval authority in the "Attorney General," the Secretary of Homeland Security now may exercise this authority. See 6 U.S.C. 202(3)-(4), 251, 271(b), 291, 551(d)(2), 557; 8 U.S.C. 1103(c) (2000).

² *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019).

ratification is not a statement that the Final Rule is invalid absent this ratification.

II. Ratification

By virtue of the authority vested in the Secretary of Labor by law, including by the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1101 *et seq.* ("INA"), and as delegated to the Assistant Secretary for Employment and Training, 75 FR 66268, and the Administrator of the Wage and Hour Division, 75 FR 55352, we are affirming and ratifying a prior action by Jane Oates, Assistant Secretary for Employment and Training, and Nancy Leppink, Deputy Administrator of the Wage and Hour Division. On February 12, 2010, the Employment and Training Administration and the Wage and Hour Division published in the FR the Final Rule codifying amendments to the Department's regulations regarding the certification of temporary employment of nonimmigrant workers employed in temporary or seasonal agricultural employment and the enforcement of the obligations applicable to employers of such nonimmigrant workers. 75 FR 6884 (Feb. 12, 2010).

The Final Rule was signed by Assistant Secretary Oates and Deputy Administrator Leppink. We have full and complete knowledge of the Final Rule action taken by former Assistant Secretary Oates and former Deputy Administrator Leppink. Subsequent to the Secretary of Homeland Security's documented approval of the Final Rule dated November 25, 2024, in consultation with the Secretary of Labor and Secretary of Agriculture, and out of an abundance of caution and to avoid any doubt as to its validity, we have independently evaluated the Final Rule and the basis for adopting it. We have determined that the amendments to the regulations in the Final Rule are consistent with the Secretary of Labor's statutory responsibility to certify that there are insufficient able, willing, and qualified U.S. workers available to perform the needed work and that the employment of H-2A workers will not adversely affect the wages and working conditions of workers in the United States similarly employed. We have also determined that the changes adopted in the Final Rule strike an appropriate balance between the statute's competing goals of providing employers with an adequate supply of legal agricultural labor and protecting the wages of workers in the United States similarly employed by improving the H-2A application and temporary labor certification process, strengthening protections for workers, and enhancing