

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

#### 7 CFR Part 1942

RIN 0575-AC53

#### Fire and Rescue and Other Community Facilities Projects

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Direct final rule; correction.

**SUMMARY:** The Rural Housing Service amended its regulation to include all essential community facility projects \$300,000 and under to utilize the authority granted for fire and rescue loans. This document corrects the rule, which was published Monday, November 24, 2003.

**EFFECTIVE DATE:** February 9, 2004.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Thompson, Management Analyst, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250-0742; Telephone: 202-692-0043.

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

As published in the direct final rule, due to an amendatory instruction error, which may be unclear, this action corrects amendatory instruction number 6 to clarify the intent of the regulation change.

##### Correction of Publication

In FR rule document 03-29212, published November 24, 2003 (68 FR 65829), make the following correction.

■ On page 65830, in the middle column, amendatory instruction number 6 is corrected to read as follows:

#### § 1942.104 [Corrected]

■ 6. In § 1942.104, paragraph (a) is revised, paragraphs (b) and (c) are removed, and paragraph (d) is redesignated as paragraph (b) and revised. (The undesignated text following newly designated paragraph (b) remains unchanged).

Dated: December 5, 2003.

**Arthur A. Garcia,**

*Administrator, Rural Housing Service.*

[FR Doc. 03-30670 Filed 12-10-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### 15 CFR Part 6

[Docket No. 031205307-3307-01]

RIN 0690-AA34

#### Civil Monetary Penalties; Adjustments

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule is being issued to correct adjustments to civil monetary penalties (CMP) which appeared in a Final Rule published by the Department of Commerce (the Department) on January 29, 2003, 68 FR 4380. As required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, the Secretary of Commerce adjusted civil monetary penalties within the jurisdiction of the Department on October 24, 1996, and again on November 1, 2000. On September 30, 2002, the United States General Accounting Office (GAO) sent the Secretary of Commerce a letter indicating that the Department's November 1, 2000, adjustment was inconsistent with the requirements of the statute, and recommending corrective action. The Department's rule of January 29, 2003 sought to bring the Department into compliance with GAO's interpretation of the statute. This rule corrects certain penalty amounts and citations provided in that rule. This rule is not retroactive. The Department will not adjust individual penalties that have already been imposed. The Department will not, as a matter of policy, seek penalties that are greater

than the corrected amounts stated in this rule for violations occurring between November 1, 2000, and the December 11, 2003.

**DATES:** This rule is effective December 11, 2003.

**ADDRESSES:** Office of the General Counsel, Department of Commerce, 14th and Constitution Avenue, NW., MS 5876, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Peter Robbins, (202) 482-0846.

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410) provided for the regular evaluation of CMPs to ensure that they continued to maintain their deterrent value and that penalty amounts due to the Federal Government were properly accounted for and collected. On April 26, 1996, the Federal Civil Penalties Inflation Adjustment Act of 1990 was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) to require each agency to issue regulations to adjust its CMPs for inflation at least every four years. The amendment further provides that any resulting increases in a CMP due to the inflation adjustment should apply only to the violations that occur after the date of the publication in the **Federal Register** of the increased amount of the CMP. Accordingly, the prior penalty amounts remain effective through the date of publication.

In early 2002, GAO determined that in its 2000 adjustments, the Department had adjusted some of its civil penalties in a manner inconsistent with GAO's reading of the statute, and in particular questioned the Department's method of rounding.

As stated in the January 29, 2003, rule, the Department believes that GAO's reading of the Federal Civil Penalties Inflation Adjustment Act of 1990 produces a result which is inconsistent with the stated purpose of the statute (*i.e.*, to keep civil penalties in pace with inflation). Nevertheless, the Department sought to comply with GAO's request that the 2000 adjustments be revised. Accordingly, on January 29, 2003, the Department published a rule listing adjusted CMPs. Unfortunately, there were several improper penalty amounts and citations in that rule. The purpose of this rule is to correct those mistakes.