

# Rules and Regulations

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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.

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## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

#### 7 CFR Part 3434

RIN 0524-AA39

#### Hispanic-Serving Agricultural Colleges and Universities (HSACU)

**AGENCIES:** National Institute of Food and Agriculture, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule updates our regulations to show a list of institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012 and ending September 30, 2013.

**DATES:** This rule is effective November 16, 2012 and applicable October 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Matthew Lockhart; Senior Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue SW.; Washington, DC 20250-2299; Voice: 202-559-5088; Fax: 202-401-7752; Email: [mlockhart@nifa.usda.gov](mailto:mlockhart@nifa.usda.gov).

#### SUPPLEMENTARY INFORMATION:

#### HSACU Institutions for Fiscal Year 2013

This rule makes changes to the existing list of institutions in Appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012, and ending September 30, 2013.

#### Certification Process

As stated in 7 CFR part 3434, an institution must meet the following

criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, and (3) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completions data) during the 2010-11 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in Appendix A of 7 CFR part 3434 and to confirm that over the 2009-10 and 2010-11 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students.

The updated list of HSACUs is based on (1) completions data from 2009-10 and 2010-11, and (2) enrollment data from Fall 2011. NIFA identified 80 institutions that will meet the eligibility criteria and receive HSACU certification for FY 2013 (October 1, 2012 to September 30, 2013).

#### Appeal Process

NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice. The appellant must submit a request for review to the NIFA official specified in this notice with details on the nature of the disagreement and include supporting documents.

#### Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 3434

Administrative practice and procedure; Agricultural research, education, extension; Hispanic-Serving Institutions; Federal assistance.

Title 7, part 3434 of the Code of Federal Regulations is amended accordingly as set forth below:

#### PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS

■ 1. The authority citation for Part 3434 continues to read as follows:

**Authority:** 7 U.S.C. 3103.

■ 2. Revise Appendix B to part 3434 to read as follows:

#### Appendix B to Part 3434—List of HSACU institutions, 2012-2013.

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012, and ending September 30, 2013. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

#### Arizona (3)

Central Arizona College  
Phoenix College  
Pima Community College

#### California (26)

Allan Hancock College  
Bakersfield College  
California State Polytechnic University-Pomona  
California State University-Bakersfield  
California State University-Fresno  
California State University-Fullerton  
California State University-Long Beach  
California State University-Monterey Bay  
California State University-San Bernardino  
College of the Sequoias  
Fullerton College  
Golden West College  
Hartnell College  
Imperial Valley College  
MiraCosta College  
Modesto Junior College  
Monterey Peninsula College  
Mt. San Antonio College  
Porterville College  
Reedley College  
San Diego Mesa College  
San Joaquin Delta College  
Santa Ana College  
Southwestern College  
West Hills College Coalinga  
Whittier College

**Colorado (1)**

Trinidad State Junior College

**Florida (4)**

Florida International University  
Miami Dade College  
Nova Southeastern University  
Saint Thomas University

**Illinois (2)**

City Colleges of Chicago-Harold Washington College  
Triton College

**New Mexico (8)**

Central New Mexico Community College  
Eastern New Mexico University-Main Campus  
New Mexico Highlands University  
New Mexico Institute of Mining and Technology  
Northern New Mexico College  
Santa Fe Community College  
University of New Mexico-Main Campus  
Western New Mexico University

**New York (4)**

CUNY Bronx Community College  
CUNY City College  
CUNY LaGuardia Community College  
Mercy College

**Puerto Rico (15)**

Bayamon Central University  
Institute Tecnologico de Puerto Rico-Manati  
Inter American University of Puerto Rico-Aguadilla  
Inter American University of Puerto Rico-Bayamon  
Inter American University of Puerto Rico-Metro  
Inter American University of Puerto Rico-Ponce  
Inter American University of Puerto Rico-San German  
Pontifical Catholic University of Puerto Rico-Ponce  
Universidad Del Turabo  
Universidad Metropolitana  
University of Puerto Rico-Arecibo  
University of Puerto Rico-Humacao  
University of Puerto Rico-Medical Sciences Campus  
University of Puerto Rico-Rio Piedras Campus  
University of Puerto Rico-Utuado

**Texas (16)**

Houston Community College  
Lee College  
Midland College  
Palo Alto College  
South Plains College  
Southwest Texas Junior College  
Texas A&M International University  
Texas A&M University-Corpus Christi  
Texas A&M University-Kingsville  
Texas State Technical College-Harlingen  
University of Texas at Brownsville  
University of Texas at El Paso  
University of Texas at San Antonio  
University of Texas—Pan American  
University of Houston  
University of the Incarnate Word

**Washington (1)**

Wenatchee Valley College

Done in Washington, DC, this 26th day of October, 2012.

**Sonny Ramaswamy,**

*Director, National Institute of Food and Agriculture.*

[FR Doc. 2012–27739 Filed 11–15–12; 8:45 am]

**BILLING CODE 3410–22–P**

**FEDERAL RESERVE SYSTEM****12 CFR Part 263**

**[Docket No. R–1451]**

**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 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. This action is required under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

**DATES:** This rule is effective November 16, 2012.

**FOR FURTHER INFORMATION CONTACT:** Katherine H. Wheatley, Associate General Counsel (202) 452–3779, or Mehrnoush Bigloo, Attorney (202) 475–6361, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets 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” or the “Act”), as amended by the Debt Collection Improvement Act of 1996, requires Federal agencies to adjust, by regulation, the CMPs within their jurisdiction by a prescribed inflation adjustment at least once every four years. The Board made its last adjustment to its CMPs on October 6, 2008, *see* 73 FR 58,032, and on September 13, 2011, it incorporated into its regulation the penalties applicable to savings and loan holding companies over which it obtained supervisory authority pursuant to section 312 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, *see* 76 FR 56,604. The Board is issuing this final rule pursuant to the FCPIA Act to set

forth the newly-adjusted CMPs which will apply to violations that occur after the rule’s effective date.

The FCPIA Act defines the inflation adjustment as a cost-of-living adjustment based on the percentage change in the Consumer Price Index between June of the calendar year in which the particular CMP was last set or adjusted and June of the calendar year preceding the current adjustment (in this case, June 2011). The Act specifies the use of the Consumer Price Index for All Urban Consumers (CPI–U) published by the Department of Labor. Accordingly, to obtain the percent inflation adjustment for each CMP within the Board’s jurisdiction, we calculated the percent change in the CPI–U between June of the year in which the CMP was last adjusted and June 2011.<sup>1</sup> Then, using the relevant percent inflation adjustment, we calculated the inflation increase for each CMP.<sup>2</sup> The Act requires the rounding of any calculated increase pursuant to the method prescribed in Section 5(a) of the Act.<sup>3</sup> In the case of the majority of the Board’s CMPs, the calculated increase was rounded down to zero, resulting in no adjustment to the CMP. These unadjusted penalties include the penalty for certain late, false or misleading reports under 12 U.S.C. 324, the first and second tier penalties under 12 U.S.C. 504, 505, 1817(j)(16), 1818(i)(2), and 1972(2)(F), the penalties under 12 U.S.C. 1820(k)(6)(A)(ii), 1832(c), 1847(b), 3110(a), 334, 374a, 1884, 3909(d), 1467a(i)(2), 1467a(i)(3), and 1467a(r)(2), the second tier penalties under 12 U.S.C. 1847(d) and 3110(c), the penalties under 15 U.S.C.

<sup>1</sup> This resulted in a 3.2 percent inflation adjustment for penalties that were last adjusted in 2008, a 19 percent inflation adjustment for penalties that were last adjusted in 2004, a 30.9 percent inflation adjustment for penalties that were last adjusted in 2000, and a 44 percent inflation adjustment for penalties that were last adjusted in 1996.

<sup>2</sup> Because the Biggert-Waters Flood Insurance Reform Act of 2012, Public Law 112–141, 126 Stat. 405, amended 42 U.S.C. 4012a(f)(5) by increasing the CMP for each violation under 42 U.S.C. 4012a(f) to \$2,000, the Board did not calculate an inflation adjustment for this CMP. It should also be noted that the amendment to 42 U.S.C. 4012a(f)(5) removed the \$100,000 calendar-year limit on penalties assessed against any regulated lending institution or enterprise.

<sup>3</sup> Section 5(a) of the Act requires that any calculated increase be rounded to the nearest multiple of: \$10 in the case of penalties less than or equal to \$100; \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000; \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000; \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000; \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; and \$25,000 in the case of penalties greater than \$200,000. 28 U.S.C. 2461 *note*, Sec. 5(a).