

federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region IV</b>				
Florida: Inglis, Town of, Levy County .....	120586	January 10, 1986, Emerg; January 10, 1986, Reg; January 18, 2019, Susp.	Jan. 18, 2019. ....	Jan. 18, 2019.
South Carolina:				
Greenville, City of, Greenville County .....	450091	January 15, 1974, Emerg; February 1, 1980, Reg; .. January 18, 2019, Susp .....	.....do* .....	Do.
Greenville County, Unincorporated Areas .....	450089	February 12, 1974, Emerg; December 2, 1980, Reg; January 18, 2019, Susp.	.....do .....	Do.
<b>Region X</b>				
Oregon:				
Clackamas County, Unincorporated Areas .....	415588	April 2, 1971, Emerg; March 1, 1978, Reg; January 18, 2019, Susp.	.....do .....	Do.
Sandy, City of, Clackamas County .....	410023	June 25, 1974, Emerg; December 11, 1979, Reg; January 18, 2019, Susp.	.....do .....	Do.
Washington:				
Bellingham, City of, Whatcom County .....	530199	April 30, 1975, Emerg; September 2, 1982, Reg; January 18, 2019, Susp.	.....do .....	Do.
Blaine, City of, Whatcom County .....	530273	June 10, 1975, Emerg; July 16, 1979, Reg; January 18, 2019, Susp.	.....do .....	Do.
Everson, City of, Whatcom County .....	530200	August 16, 1974, Emerg; August 2, 1982, Reg; January 18, 2019, Susp.	.....do .....	Do.
Ferndale, City of, Whatcom County .....	530201	May 27, 1975, Emerg; June 1, 1983, Reg; January 18, 2019, Susp.	.....do .....	Do.
Lummi Indian Reservation, Whatcom County ....	530331	October 14, 1997, Emerg; January 16, 2004, Reg; January 18, 2019, Susp.	.....do .....	Do.
Lynden, City of, Whatcom County .....	530202	May 27, 1975, Emerg; November 3, 1982, Reg; January 18, 2019, Susp.	.....do .....	Do.
Nooksack, City of, Whatcom County .....	530203	November 28, 1975, Emerg; September 2, 1982, Reg; January 18, 2019, Susp.	.....do .....	Do.
Sumas, City of, Whatcom County .....	530204	February 14, 1975, Emerg; May 15, 1985, Reg; January 18, 2019, Susp.	.....do .....	Do.
Whatcom County, Unincorporated Areas .....	530198	February 18, 1972, Emerg; September 30, 1977, Reg; January 18, 2019, Susp.	January 18, 2019.	January 18, 2019.

\* .....do = Ditto.  
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: December 19, 2018.

**Eric Letvin,**

*Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2018–28153 Filed 12–27–18; 8:45 am]

**BILLING CODE 9110–12–P**

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**45 CFR Parts 1230 and 2554**

**RIN 3045–AA71**

**Annual Civil Monetary Penalties Inflation Adjustment**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Interim final rule.

**SUMMARY:** The Corporation for National and Community Service (CNCS) is updating its regulations to reflect required annual inflation-related increases to the civil monetary penalties in its regulations, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:**

*Effective date:* This rule is effective January 15, 2019.

*Comment due date:* Technical comments may be submitted until January 28, 2019.

**ADDRESSES:** You may send your comments electronically through the Federal government’s one-stop rulemaking website at [www.regulations.gov](http://www.regulations.gov). Also, you may mail or deliver your comments to Stephanie Soper, Law Office Manager, Office of General Counsel, at the

Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525. Due to continued delays in CNCS’s receipt of mail, we strongly encourage comments to be submitted online electronically. The TDD/TTY number is 800–833–3722. You may request this notice in an alternative format for the visually impaired.

**FOR FURTHER INFORMATION CONTACT:**

Stephanie Soper, Law Office Manager, Office of General Counsel, at 202–606–6747 or email to [ssoper@cns.gov](mailto:ssoper@cns.gov). Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 800–833–3722 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The Corporation for National and Community Service (CNCS) is a federal agency that engages millions of Americans in service through its AmeriCorps, Senior Corps, and Volunteer Generation Fund programs to further its mission to improve lives, strengthen communities, and foster civic engagement through service and volunteering. For more information, visit *NationalService.gov*.

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the “Act”), which is intended to improve the effectiveness of civil monetary penalties and to maintain the deterrent effect of such penalties, requires agencies to adjust the civil monetary penalties for inflation annually.

## II. Method of Calculation

CNCS has two civil monetary penalties in its regulations. A civil monetary penalty under the Act is a penalty, fine, or other sanction that is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by federal law and is assessed or enforced by an agency pursuant to federal law and is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts. (See 28 U.S.C. 2461 note).

The inflation adjustment for each applicable civil monetary penalty is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October of the year in which the amount of each civil money penalty was most recently established or modified. In the December 14, 2018, OMB Memo for the Heads of Executive Agencies and Departments, M–19–04, *Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, OMB published the multiplier for the required annual adjustment. The cost-of-living adjustment multiplier for 2019, based on the CPI-U for the month of October 2018, not seasonally adjusted, is 1.02522.

CNCS identified two civil penalties in its regulations: (1) The penalty associated with Restrictions on Lobbying (45 CFR 1230.400) and (2) the penalty associated with the Program Fraud Civil Remedies Act (45 CFR 2554.1).

The civil monetary penalties related to Restrictions on Lobbying (Section 319, Pub. L. 101–121; 31 U.S.C. 1352) range from \$19,639 to \$196,387. Using

the 2019 multiplier, the new range of possible civil monetary penalties is from \$20,134 to \$201,340.

The Program Fraud Civil Remedies Act of 1986 (Pub. L. 99–509) civil monetary penalty has an upper limit of \$11,181. Using the 2019 multiplier, the new upper limit of the civil monetary penalty is \$11,463.

## III. Summary of Final Rule

This final rule adjusts the civil monetary penalty amounts related to Restrictions on Lobbying (45 CFR 1230.400) and the Program Fraud Civil Remedies Act of 1986 (45 CFR 2554.1). The range of civil monetary penalties related to Restrictions on Lobbying increase from “\$19,639 to \$196,387” to “\$20,134 to \$201,340.” The civil monetary penalties for the Program Fraud Civil Remedies Act of 1986 increase from “up to \$11,181” to “up to \$11,463.”

## IV. Regulatory Procedures

### A. Determination of Good Cause for Publication Without Notice and Comment

CNCS finds, under 5 U.S.C. 553(b)(3)(B), that there is good cause to except this rule from the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b). Because CNCS is implementing a final rule pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which requires CNCS to update its regulations based on a prescribed formula, CNCS has no discretion in the nature or amount of the change to the civil monetary penalties. Therefore, notice and comment for these proscribed updates is impracticable and unnecessary. As an interim final rule, no further regulatory action is required for the issuance of this legally binding rule. If you would like to provide technical comments, however, they may be submitted until January 28, 2019.

### B. Review Under Procedural Statutes and Executive Orders

CNCS has determined that making technical changes to the amount of civil monetary penalties in its regulations does not trigger any requirements under procedural statutes and Executive Orders that govern rulemaking procedures.

## V. Effective Date

This rule is effective January 15, 2019. The adjusted civil penalty amounts apply to civil penalties assessed on or after January 15, 2019, when the violation occurred after November 2, 2015. If the violation occurred prior to

November 2, 2015, or a penalty was assessed prior to August 1, 2016, the pre-adjustment civil penalty amounts in effect prior to August 1, 2106, will apply.

## List of Subjects

### 45 CFR Part 1230

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

### 45 CFR Part 2554

Claims, Fraud, Organization and functions (Government agencies), Penalties.

For the reasons discussed in the preamble, under the authority of 42 U.S.C. 12651c(c), the Corporation for National and Community Service amends chapters XII and XXV, title 45 of the Code of Federal Regulations as follows:

## PART 1230—NEW RESTRICTIONS ON LOBBYING

- 1. The authority citation for part 1230 continues to read as follows:

**Authority:** Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 93–113; 42 U.S.C. 4951, *et seq.*; 42 U.S.C. 5060.

### § 1230.400 [Amended]

- 2. Amend § 1230.400:
  - a. In paragraphs (a), (b), and (e), by removing “\$19,639” and adding in its place “\$20,134” each place it appears.
  - b. In paragraphs (a), (b), and (e), by removing “\$196,387” and adding in its place “\$201,340” each place it appears.

### Appendix A to Part 1230 [Amended]

- 3. Amend appendix A to part 1230 in both the undesignated paragraph following paragraph (3) and the last paragraph by removing “\$19,639” and adding in its place “\$20,134” and by removing “\$196,387” and adding in its place “\$201,340”.

## PART 2554—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

- 4. The authority citation for part 2554 continues to read as follows:

**Authority:** Pub. L. 99–509, Secs. 6101–6104, 100 Stat. 1874 (31 U.S.C. 3801–3812); 42 U.S.C. 12651c–12651d.

### § 2554.1 [Amended]

- 5. Amend § 2554.1 in paragraph (b) by removing “\$11,181” and adding in its place “\$11,463.”

Dated: December 21, 2018.

**Tim Noelker,**

*General Counsel.*

[FR Doc. 2018–28266 Filed 12–27–18; 8:45 am]

BILLING CODE 6050–28–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 32, 51, 61, and 69

[WC Docket Nos. 17–144, 16–143, 05–25; FCC 18–146]

#### Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers; Business Data Services in an Internet Protocol Environment; Special Access for Price Cap Local Exchange Carriers

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission continues its efforts to modernize its rules governing the pricing of business data services (BDS) by allowing rate-of-return carriers to voluntarily elect to transition their BDS offerings out of rate-of-return regulation to a lighter-touch regulatory framework. This action is intended to promote competition and reduce costly regulatory burdens which no longer serve the public interest. Under this new framework, rate-of-return carriers would be incentivized to use the savings realized from the regulatory relief to improve existing networks and service.

**DATES:** The amendments contained in this final rule shall become effective February 26, 2019.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Justin Faulb, Pricing Policy Division of the Wireline Competition Bureau at 202–418–1540 or by email at [Justin.Faulb@fcc.gov](mailto:Justin.Faulb@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, released October 24, 2018. A full-text version may be obtained at the following internet address: <https://www.fcc.gov/document/fcc-spurs-competition-rural-business-data-services-0>.

#### I. Background

1. In 1990, the Commission began the process of encouraging carriers to move from rate-of-return to incentive regulation by adopting price cap rules governing the largest incumbent LECs' interstate access charges and allowing other incumbent LECs to elect price cap

regulation voluntarily. Price cap regulation was designed to “reward companies that became more productive and efficient, while ensuring that productivity and efficiency gains are shared with ratepayers.” Through a series of subsequent decisions, the Commission allowed other carriers to convert voluntarily from rate-of-return to price cap regulation.

2. Since then, the Commission has taken additional steps to transition certain services and revenues of rate-of-return carriers from rate-of-return regulation to other more efficient forms of regulation. In 2011, as part of comprehensive universal service and intercarrier compensation reform, the Commission imposed rate caps on rate-of-return carriers' switched access services, removing those services from the obligations that accompany traditional rate-or-return regulation. In the *USF/ICC Transformation Order*, 76 FR 73830, November 29, 2011, the Commission also changed its method for calculating high-cost universal service support received by rate-of-return affiliates of price cap carriers. Specifically, the Commission began to treat rate-of-return operating companies affiliated with price-cap holding companies as price cap LECs for the purposes of the Connect America Fund (CAF) Phase I distribution mechanism. As a result, rate-of-return carriers affiliated with price-cap companies now receive the same type of fixed universal service support that their price cap affiliates receive.

3. Two years ago, the Commission gave rate-of-return carriers the option of receiving forward looking, model-based universal service support based on the Alternative Connect America Cost Model (A–CAM), which more than 200 carriers opted to receive (A–CAM carriers). The Commission observed that “the carriers that choose to take the voluntary path to the model are electing incentive regulation for common line offerings.” Consequently, for A–CAM carriers, only their BDS offerings are currently subject to rate-of-return regulation.

4. In 2016, the Commission also adopted the *Alaska Plan Order*, 81 FR 69696, October 7, 2016, which allowed Alaskan rate-of-return carriers to elect fixed universal service support on a state-wide basis for a defined term in exchange for committing to deployment obligations. Specifically, the Commission provided a one-time opportunity for Alaskan rate-of-return carriers to elect to receive universal service support frozen at adjusted 2011 levels for a 10-year term in exchange for meeting individualized performance

benchmarks to offer voice and broadband services. Subsequently, in 2016, the Wireline Competition Bureau (Bureau) authorized 13 Alaskan rate-of-return carriers to receive universal service support under the Alaska Plan (Alaska Plan carriers). Similar to A–CAM carriers, Alaska Plan carriers receive fixed universal service support that is not based on current cost, and only file cost studies for purposes of their BDS offerings.

5. In addition to encouraging carriers to migrate from cost-based to incentive regulation, over time the Commission has reduced ex ante pricing regulation in favor of relying on competition to the extent possible. In 1999, the Commission granted pricing flexibility to price cap carriers that provided service in areas where carriers could demonstrate threshold levels of deployment by competitive providers. Pricing flexibility allowed eligible carriers to offer BDS using contract tariffs, volume and term discounts and, in markets that demonstrated higher levels of competition, at unregulated rates. Beginning in 2007, the Commission granted forbearance from dominant carrier regulation, including tariffing and pricing regulation, to a number of price cap incumbent LECs for their newer packet-based broadband services. These forbearance orders concluded that forbearance from dominant carrier regulation was warranted given the existence of competition for these newer services, which ensured that rates and practices for these services remained just and reasonable, adequately protected consumers, and was in the public interest.

6. In 2017, the Commission adjusted BDS pricing regulation to the reality of a dynamically competitive BDS market in areas where incumbent LECs were subject to price cap regulation. The Commission premised its reductions in ex ante pricing regulation in part on a substantial data collection and in part on its predictive judgment that dynamic and growing competition in the BDS market, driven increasingly by the emergence of cable competition, would allow reliance on competition rather than regulation to ensure rates remain just and reasonable. The *BDS Order*, 82 FR 25660, June 2, 2017, represented yet another step in the process of reducing dominant carrier regulation in response to the growth of competition. In that order, the Commission found that reducing government intervention and allowing market forces to continue working would further spur entry, innovation, and competition in BDS markets served by price cap carriers.