

compensatory damages, including, at the request of the complainant, the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred. Interest on back pay will be calculated using the interest rate applicable to underpayment of taxes under 26 U.S.C. 6621 and will be compounded daily. The order will also require the respondent to submit appropriate documentation to the Social Security Administration allocating any back pay award to the appropriate calendar quarters. Such order is subject to discretionary review by the Secretary as provided in Secretary's Order 01-2020.

(e) If the ARB concludes that the respondent has not violated the law, the ARB will issue an order denying the complaint. If, upon the request of the respondent, the ARB determines that a complaint was frivolous or was brought in bad faith, the ARB may award to the respondent reasonable attorney fees, not exceeding \$1,000. An order under this section is subject to discretionary review by the Secretary as provided in Secretary's Order 01-2020.

■ 88. In § 1988.112, revise paragraph (a) to read as follows:

**§ 1988.112 Judicial review.**

(a) Within 60 days after the issuance of a final order (including a decision issued by the Secretary upon his or her discretionary review) for which judicial review is available, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation.

\* \* \* \* \*

**Title 41: Public Contracts and Property Management**

**Office of Federal Contract Compliance Programs**

**PART 50-203—RULES OF PRACTICE**

■ 89. The authority citation for part 50-203 continues to read as follows:

**Authority:** Sec. 4, 49 Stat. 2038; 41 U.S.C. 38, unless otherwise noted.

■ 90. In § 50-203.21, revise paragraph (d) to read as follows:

**§ 50-203.21 Decisions.**

\* \* \* \* \*

(d) Thereafter, the Administrative Review Board may issue a decision ruling upon each exception filed and including any appropriate wage determination. Any such decision shall

be published in the **Federal Register** after it becomes the final action of the Department.

**PART 60-30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246**

■ 91. The authority citation for part 60-30 continues to read as follows:

**Authority:** Executive Order 11246, as amended, 30 FR 12319, 32 FR 14303, as amended by E.O. 12086; 29 U.S.C. 793, as amended, and 38 U.S.C. 4212, as amended.

■ 92. Revise § 60-30.29 to read as follows:

**§ 60-30.29 Record.**

After expiration of the time for filing briefs and exceptions, the Administrative Review Board, United States Department of Labor, shall make a decision, which shall be the Administrative order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

■ 93. Revise § 60-30.30 to read as follows:

**§ 60-30.30 Administrative Order.**

After expiration of the time for filing, the Administrative Review Board, United States Department of Labor, shall make a decision which shall be served on all parties. If the Administrative Review Board, United States Department of Labor, concludes that the defendant has violated the Executive Order, the equal opportunity clause, or the regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination, and suspension of the respondent's contracts and/or debarment of the respondent from further contracts.

■ 94. Revise § 60-30.37 to read as follows:

**§ 60-30.37 Final Administrative Order.**

After expiration of the time for filing exceptions, the Administrative Review Board, United States Department of Labor, shall issue an Administrative Order which shall be served on all parties. Unless the Administrative Review Board, United States Department of Labor, issues an

Administrative Order within 30 days after the expiration of the time for filing exceptions, the Administrative Law Judge's recommended decision shall become a final Administrative Order which shall become effective on the 31st day after expiration of the time for filing exceptions. Except as to specific time periods required in this subsection, 41 CFR 60-30.30 shall be applicable to this section.

[FR Doc. 2020-04017 Filed 3-5-20; 8:45 am]

**BILLING CODE 4510-FN-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Parts 28, 30, 87, 180, and 3282**

[FR-6196-F-01]

**Adjustment of Civil Monetary Penalty Amounts for 2020**

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule provides for 2020 inflation adjustments of civil monetary penalty amounts required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** *Effective date for 2020 inflation adjustment:* April 6, 2020.

**FOR FURTHER INFORMATION CONTACT:** Aaron Santa Anna, Acting Associate General Counsel, Office of Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20024; telephone number 202-402-5300 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the Information Relay Service at 800-877-8339 (this is a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) (Pub. L. 114-74, Sec. 701), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410), requires agencies to make annual adjustments to civil monetary penalty (CMP) amounts for inflation "notwithstanding section 553 of title 5, United States Code." Section 553 refers to the Administrative Procedure Act, which provides for advance notice and public comment on rules. However, as explained in Section III below, HUD has

determined that advance notice and public comment on this final rule is unnecessary. This annual adjustment is for 2020.

The annual adjustment is based on the percent change between the U.S. Department of Labor’s Consumer Price Index for All Urban Consumers (“CPI–U”) for the month of October preceding the date of the adjustment, and the CPI–U for October of the prior year (28 U.S.C. 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for 2019 is 1.01764.<sup>1</sup> Pursuant to the 2015 Act,

adjustments are rounded to the nearest dollar.<sup>2</sup>

**II. This Final Rule**

This rule makes the required 2020 inflation adjustment of civil penalty amounts. Since HUD is not applying these adjustments retroactively, the 2020 increases apply to violations occurring on or after this rule’s effective date. HUD provides a table showing how, for each component, the penalties are being adjusted for 2020 pursuant to the 2015 Act. In the first column (“Description”), HUD provides a description of the penalty. In the second

column (“Statutory Citation”), HUD provides the United States Code statutory citation providing for the penalty. In the third column (“Regulatory Citation”), HUD provides the Code of Federal Regulations citation under title 24 for the penalty. In the fourth column (“Previous Amount”), HUD provides the amount of the penalty pursuant to the rule implementing the 2019 adjustment (84 FR 9451, March 15, 2019). In the fifth column (“2020 Adjusted Amount”), HUD lists the penalty after applying the 2020 inflation adjustment.

Description	Statutory citation	Regulatory citation (24 CFR)	Previous amount	2020 Adjusted amount
False Claims .....	Omnibus Budget Reconciliation Act of 1986 (31 U.S.C. 3802(a)(1)).	§ 28.10(a) .....	\$11,463 .....	\$11,665.
False Statements .....	Omnibus Budget Reconciliation Act of 1986 (31 U.S.C. 3802(b)(1)).	§ 28.10(b) .....	\$11,463 .....	\$11,665.
Advance Disclosure of Funding.	Department of Housing and Urban Development Act (42 U.S.C. 3537a(c)).	§ 30.20 .....	\$20,134 .....	\$20,489.
Disclosure of Subsidy Layering.	Department of Housing and Urban Development Act (42 U.S.C. 3545(f)).	§ 30.25 .....	\$20,134 .....	\$20,489.
FHA Mortgagees and Lenders Violations.	HUD Reform Act of 1989 (12 U.S.C. 1735f–14(a)(2)).	§ 30.35 .....	<i>Per Violation: \$10,067. Per Year: \$2,013,399.</i>	<i>Per Violation: \$10,245. Per Year: \$2,048,915.</i>
Other FHA Participants Violations.	HUD Reform Act of 1989 (12 U.S.C. 1735f–14(a)(2)).	§ 30.36 .....	<i>Per Violation: \$10,067. Per Year: \$2,013,399.</i>	<i>Per Violation: \$10,245. Per Year: \$2,048,915.</i>
Indian Loan Mortgagees Violations.	Housing Community Development Act of 1992 (12 U.S.C. 1715z–13a(g)(2)).	§ 30.40 .....	<i>Per Violation: \$10,067. Per Year: \$2,013,399.</i>	<i>Per Violation: \$10,245. Per Year: \$2,048,915.</i>
Multifamily & Section 202 or 811 Owners Violations.	HUD Reform Act of 1989 (12 U.S.C. 1735f–15(c)(2)).	§ 30.45 .....	\$50,334 .....	\$51,222.
Ginnie Mae Issuers & Custodians Violations.	HUD Reform Act of 1989 (12 U.S.C. 1723i(b)).	§ 30.50 .....	<i>Per Violation: \$10,067. Per Year: \$2,013,399.</i>	<i>Per Violation: \$10,245. Per Year: \$2,048,915.</i>
Title I Broker & Dealers Violations.	HUD Reform Act of 1989 (12 U.S.C. 1703).	§ 30.60 .....	<i>Per Violation: \$10,067. Per Year: \$2,013,399.</i>	<i>Per Violation: \$10,245. Per Year: \$2,048,915.</i>
Lead Disclosure Violation	Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d(b)(1)).	§ 30.65 .....	\$17,834 .....	\$18,149.
Section 8 Owners Violations.	Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437z–1(b)(2)).	§ 30.68 .....	\$39,121 .....	\$39,811.
Lobbying Violation .....	The Lobbying Disclosure Act of 1995 (31 U.S.C. 1352).	§ 87.400 .....	<i>Min: \$20,134. Max: \$201,340.</i>	<i>Min: \$20,489. Max: \$204,892.</i>
Fair Housing Act Civil Penalties.	Fair Housing Act (42 U.S.C. 3612(g)(3)).	§ 180.671(a) .....	<i>No Priors: \$21,039. One Prior: \$52,596. Two or More Priors: \$105,194.</i>	<i>No Priors: \$21,410. One Prior: \$53,524. Two or More Priors: \$107,050.</i>
Manufactured Housing Regulations Violation.	Housing Community Development Act of 1974 (42 U.S.C. 5410).	§ 3282.10 .....	<i>Per Violation: \$2,924. Per Year: \$3,654,955.</i>	<i>Per Violation: \$2,976. Per Year: \$3,719,428.</i>

**III. Justification for Final Rulemaking for the 2020 Adjustments**

HUD generally publishes regulations for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advanced notice and public

participation. The good cause requirement is satisfied when prior public procedure is “impractical, unnecessary, or contrary to the public interest” (see 24 CFR 10.1). As discussed, this final rule makes the required 2020 inflation adjustment, which HUD does not have discretion to change. Moreover, the 2015 Act specifies that a delay in the effective date under the Administrative

Procedure Act is not required for annual adjustments under the 2015 Act. HUD has determined, therefore, that it is unnecessary to delay the effectiveness of the 2020 inflation adjustments to solicit public comments.

Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that any HUD regulation implementing any provision of the Department of Housing

<sup>1</sup> Office of Management and Budget, M–20–05, Memorandum for the Heads of Executive Departments and Agencies, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to

the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. (<https://www.whitehouse.gov/wp-content/uploads/2019/12/>

M-20-05.pdf). (October 2019 CPI–U (257.346)/ October 2018 CPI–U (252.885) = 1.01764.)

<sup>2</sup> 28 U.S.C. 2461 note.

and Urban Development Reform Act of 1989 that authorizes the imposition of a civil money penalty may not become effective until after the expiration of a public comment period of not less than 60 days. This rule does not authorize the imposition of a civil money penalty—rather, it makes a standard inflation adjustment to penalties that were previously authorized. As noted above, the 2020 inflation adjustments are made in accordance with a statutorily prescribed formula that does not provide for agency discretion. Accordingly, a delay in the effectiveness of the 2020 inflation adjustments in order to provide the public with an opportunity to comment is unnecessary because the 2015 Act exempts the adjustments from the need for delay, the rule does not authorize the imposition of a civil money penalty, and, in any event, HUD would not have the discretion to make changes as a result of any comments.

#### IV. Findings and Certifications

##### *Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review) (58 FR 51735), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) (76 FR 3821) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.” Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) (82 FR 9339) requires that for every new regulation issued, at least two prior regulations be identified for removal, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. As discussed above in this preamble, this final rule adjusts existing civil monetary penalties for inflation by a statutorily required amount.

HUD determined that this rule was not significant under Executive Order 12866 and Executive Order 13563.

Moreover, as this rule is not a significant regulatory action under Executive Order 12866, it is not considered an Executive Order 13771 regulatory action.

##### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

##### *Unfunded Mandates Reform*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA)<sup>3</sup> requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.<sup>4</sup> However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking. As discussed above, HUD has determined, for good cause, that prior notice and public comment is not required on this rule and, therefore, the UMRA does not apply to this final rule.

##### *Executive Order 13132, Federalism*

Executive Order 13132 (entitled “Federalism”) (64 FR 43255) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule will not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

<sup>3</sup> 2 U.S.C. 1532.

<sup>4</sup> 2 U.S.C. 1535.

##### *Environmental Review*

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern, or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

##### **List of Subjects**

###### *24 CFR Part 28*

Administrative practice and procedure, Claims, Fraud, Penalties.

###### *24 CFR Part 30*

Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Mortgage insurance, Penalties.

###### *24 CFR Part 87*

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

###### *24 CFR Part 180*

Administrative practice and procedure, Aged, Civil rights, Fair housing, Investigations, Mortgages, Penalties, Persons with disabilities, Reporting and recordkeeping requirements.

###### *24 CFR Part 3282*

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Manufactured homes, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD amends 24 CFR parts 28, 30, 87, 180, and 3282 as follows:

#### **PART 28—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986**

- 1. The authority citation for part 28 continues to read as follows:

**Authority:** 28 U.S.C. 2461 note; 31 U.S.C. 3801–3812; 42 U.S.C. 3535(d).

- 2. In § 28.10, revise paragraphs (a)(1) introductory text and (b)(1) introductory text to read as follows:

**§ 28.10 Basis for civil penalties and assessments.**

(a) \* \* \*  
(1) A civil penalty of not more than \$11,665 may be imposed upon any person who makes, presents, or submits, or causes to be made, presented, or submitted, a claim that the person knows or has reason to know:

(b) \* \* \*  
(1) A civil penalty of not more than \$11,665 may be imposed upon any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that:

**PART 30—CIVIL MONEY PENALTIES: CERTAIN PROHIBITED CONDUCT**

■ 3. The authority citation for part 30 continues to read as follows:  
**Authority:** 12 U.S.C. 1701q-1, 1703, 1723i, 1735f-14, and 1735f-15; 15 U.S.C. 1717a; 28 U.S.C. 1 note and 2461 note; 42 U.S.C. 1437z-1 and 3535(d).

■ 4. In § 30.20, revise paragraph (b) to read as follows:

**§ 30.20 Ethical violations by HUD employees.**

(b) *Maximum penalty.* The maximum penalty is \$20,489 for each violation.

■ 5. In § 30.25, revise paragraph (b) to read as follows:

**§ 30.25 Violations by applicants for assistance.**

(b) *Maximum penalty.* The maximum penalty is \$20,489 for each violation.

■ 6. In § 30.35, revise the first sentence in paragraph (c)(1) to read as follows:

**§ 30.35 Mortgagees and lenders.**

(c)(1) \* \* \* The maximum penalty is \$10,245 for each violation, up to a limit of \$2,048,915 for all violations committed during any one-year period.

■ 7. In § 30.36, revise the first sentence in paragraph (c) to read as follows:

**§ 30.36 Other participants in FHA programs.**

(c) \* \* \* The maximum penalty is \$10,245 for each violation, up to a limit of \$2,048,915 for all violations committed during any one-year period.

■ 8. In § 30.40, revise the first sentence in paragraph (c) to read as follows:

**§ 30.40 Loan guarantees for Indian housing.**

(c) \* \* \* The maximum penalty is \$10,245 for each violation, up to a limit of \$2,048,915 for all violations committed during any one-year period.

■ 9. In § 30.45, revise paragraph (g) to read as follows:

**§ 30.45 Multifamily and section 202 or 811 mortgages.**

(g) *Maximum penalty.* The maximum penalty for each violation under paragraphs (c) and (f) of this section is \$51,222.

■ 10. In § 30.50, revise the first sentence in paragraph (c) to read as follows:

**§ 30.50 GNMA issuers and custodians.**

(c) \* \* \* The maximum penalty is \$10,245 for each violation, up to a limit of \$2,048,915 during any one-year period.

■ 11. In § 30.60, revise paragraph (c) to read as follows:

**§ 30.60 Dealers or sponsored third-party originators.**

(c) *Amount of penalty.* The maximum penalty is \$10,245 for each violation, up to a limit for any particular person of \$2,048,915 during any one-year period.

■ 12. In § 30.65, revise paragraph (b) to read as follows:

**§ 30.65 Failure to disclose lead-based paint hazards.**

(b) *Amount of penalty.* The maximum penalty is \$18,149 for each violation.

■ 13. In § 30.68, revise paragraph (c) to read as follows:

**§ 30.68 Section 8 owners.**

(c) *Maximum penalty.* The maximum penalty for each violation under this section is \$39,811.

**PART 87—NEW RESTRICTIONS ON LOBBYING**

■ 14. The authority citation for part 87 continues to read as follows:

**Authority:** 28 U.S.C. 1 note; 31 U.S.C. 1352; 42 U.S.C. 3535(d).

■ 15. In § 87.400, revise paragraphs (a), (b), and (e) to read as follows:

**§ 87.400 Penalties.**

(a) Any person who makes an expenditure prohibited by this part shall

be subject to a civil penalty of not less than \$20,489 and not more than \$204,892 for each such expenditure.

(b) Any person who fails to file or amend the disclosure form (see appendix B of this part) to be filed or amended if required by this part, shall be subject to a civil penalty of not less than \$20,489 and not more than \$204,892 for each such failure.

(e) First offenders under paragraph (a) or (b) of this section shall be subject to a civil penalty of \$20,489, absent aggravating circumstances. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between \$20,489 and \$204,892 as determined by the agency head or his or her designee.

**PART 180—CONSOLIDATED HUD HEARING PROCEDURES FOR CIVIL RIGHTS MATTERS**

■ 16. The authority citation for part 180 continues to read as follows:

**Authority:** 28 U.S.C. 1 note; 29 U.S.C. 794; 42 U.S.C. 2000d-1, 3535(d), 3601-3619, 5301-5320, and 6103.

■ 17. In § 180.671, revise paragraphs (a)(1) through (3) to read as follows:

**§ 180.671 Assessing civil penalties for Fair Housing Act cases.**

(1) \$21,410, if the respondent has not been adjudged in any administrative hearing or civil action permitted under the Fair Housing Act or any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, state, or local governmental agency, to have committed any prior discriminatory housing practice.

(2) \$53,524, if the respondent has been adjudged in any administrative hearing or civil action permitted under the Fair Housing Act, or under any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, state, or local government agency, to have committed one other discriminatory housing practice and the adjudication was made during the 5-year period preceding the date of filing of the charge.

(3) \$107,050, if the respondent has been adjudged in any administrative hearings or civil actions permitted under the Fair Housing Act, or under any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, state, or local government agency, to have committed two or more discriminatory housing

practices and the adjudications were made during the 7-year period preceding the date of filing of the charge.

\* \* \* \* \*

## PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

■ 18. The authority citation for part 3282 continues to read as follows:

**Authority:** 15 U.S.C. 2697, 42 U.S.C. 3535(d), 5403, and 5424.

■ 19. Revise § 3282.10 to read as follows:

### § 3282.10 Civil and criminal penalties.

Failure to comply with this part may subject the party in question to the civil and criminal penalties provided for in section 611 of the Act, 42 U.S.C. 5410. The maximum amount of penalties imposed under section 611 of the Act shall be \$2,976 for each violation, up to a maximum of \$3,719,428 for any related series of violations occurring within one year from the date of the first violation.

Dated: February 13, 2020.

**J. Paul Compton, Jr.,**  
General Counsel.

[FR Doc. 2020-04146 Filed 3-5-20; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9890]

RIN 1545-BN73, 1545-BN74, 1545-BO23, 1545-BN79, 1545-BO30

### Regulations Relating to Withholding and Reporting Tax on Certain U.S. Source Income Paid to Foreign Persons; Correcting Amendment

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

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to final regulations (TD 9890) that were published in the **Federal Register** on Thursday, January 2, 2020. The final regulations provide guidance on certain due diligence and reporting rules applicable to persons making certain U.S. source payments to foreign person and guidance on certain aspects of reporting by foreign financial institutions on U.S. accounts.

**DATES:** This correction is effective on March 6, 2020 and is applicable to

taxable years that begin on or after January 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** John Sweeney at (202) 317- 6942 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations (TD 9890) that are the subject of this correction are issued under section 1441 of the Internal Revenue Code.

##### Need for Correction

As published, January 2, 2020 (85 FR 192), the final regulations (TD 9890) contain an error that needs 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 1.1441-6 is amended by revising paragraph (b)(2)(iv)(D) to read as follows:

#### § 1.1441-6 Claim of reduced withholding under an income tax treaty.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) \* \* \*

(D) *Example 4—(1) Facts.* Entity E is a business organization formed under the laws of Country Y. Country Y has an income tax treaty with the United States that contains a limitation on benefits provision. E receives U.S. source royalties from withholding agent W. E furnishes a beneficial owner withholding certificate to W claiming a reduced rate of withholding under the U.S.-Country Y tax treaty. However, E's beneficial owner withholding certificate does not specifically identify the limitation on benefits provision that E satisfies.

(2) *Analysis.* Because E's withholding certificate does not specifically identify the limitation on benefits provision under the U.S.-Country Y tax treaty that E satisfies as required by paragraph (b)(1)(i) of this section, W cannot rely on E's withholding certificate to apply the

reduced rate of withholding claimed by E.

\* \* \* \* \*

**Martin V. Franks,**

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

[FR Doc. 2020-04113 Filed 3-5-20; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 233

[Docket ID: DOD-2019-OS-0103]

RIN 0790-AK90

### Federal Voting Assistance Program (FVAP)

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Interim final rule.

**SUMMARY:** This regulatory action amends current policy and assignments of responsibility for the Federal Voting Assistance Program (FVAP). The FVAP assists overseas service members and other overseas citizens to exercising their voting rights by serving as a critical resource to successfully register to vote.

**DATES:** This rule is effective March 6, 2020. Comments must be received by April 6, 2020.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulation Identifier Number (RIN) number and title, by any of the following methods: Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

**Instructions:** All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** David Beirne, (571) 372-0727.