

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This rulemaking will not impose any “information collection” requirements under the Paperwork Reduction Act. Under the act, information collection means the obtaining or disclosure of facts or opinions by or for an agency by 10 or more nonfederal persons.

Unfunded Mandates Act of 1995 (Section 202, Pub. L. 104–4)

This rulemaking does not contain a Federal mandate that will 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.

National Environmental Policy Act of 1969 (5 U.S.C. 804)

The final rule will not have significant effect on the human environment.

Small Business Regulatory Enforcement Fairness Act of 1996 (Sec. 804, Pub. L. 104–121)

This final rule would not be a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule will not result in an annual effect on the economy of \$100,000,000 or more, a major increase in costs or prices, significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

E-Government Act of 2002 (44 U.S.C. 3504)

Section 206 of the E-Government Act requires agencies, to the extent practicable, to ensure that all information about that agency required to be published in the **Federal Register** is also published on a publicly accessible website. All information about the NEA required to be published in the **Federal Register** may be accessed at [www.arts.gov](http://www.arts.gov). This Act also requires agencies to accept public comments on their rules “by electronic means.” See heading “Public Participation” for directions on electronic submission of public comments on this final rule.

Finally, the E-Government Act requires, to the extent practicable, that agencies ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under the Administrative Procedure Act of 1946 (5 U.S.C. 551 *et seq.*). Under this Act, an electronic docket consists of all submissions under section 553(c) of title 5, United States

Code; and all other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically. The website <https://www.regulations.gov> contains electronic dockets for the NEA’s rulemakings under the Administrative Procedure Act of 1946.

Plain Writing Act of 2010 (5 U.S.C. 301)

Under this Act, the term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. To ensure that this rule has been written in plain and clear language so that it can be used and understood by the public, the NEA has modeled the language of this rule on the Federal Plain Language Guidelines.

Public Participation

The NEA encourages public participation by ensuring its documentation is understandable by the general public, and has written this final rule in compliance with E.O. 13563 by ensuring its accessibility, consistency, simplicity of language, and overall comprehensibility.

#### List of Subjects in 45 CFR Parts 1149 and 1158

Administrative practice and procedure, Government contracts, Grant programs, Loan programs, Lobbying, Penalties.

For the reasons stated in the preamble, the NEA amends 45 CFR chapter XI, subchapter B, as follows:

#### PART 1149—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

■ 1. The authority citation for part 1149 continues to read as follows:

**Authority:** 5 U.S.C. App. 8G(a)(2); 20 U.S.C. 959; 28 U.S.C. 2461 note; 31 U.S.C. 3801–3812.

■ 2. Revise § 1149.9(a)(1) to read as follows:

#### § 1149.9 What civil penalties and assessments may I be subjected to?

(a) \* \* \*  
(1) A civil penalty of not more than \$10,957 for each false, fictitious or fraudulent statement or claim; and  
\* \* \* \* \*

#### PART 1158—NEW RESTRICTIONS ON LOBBYING

■ 3. The authority citation for part 1158 continues to read as follows:

**Authority:** 20 U.S.C. 959; 28 U.S.C. 2461; 31 U.S.C. 1352.

■ 4. Revise § 1158.400(a), (b), and (e) to read as follows:

#### § 1158.400 Penalties.

(a) Any person who makes an expenditure prohibited herein shall be subject to a civil penalty of not less than \$19,639 and not more than \$196,387 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 herein, shall be subject to a civil penalty of not less than \$19,639 and not more than \$196,387 for each such failure.

\* \* \* \* \*

(e) First offenders under paragraph (a) or (b) of this section shall be subject to a civil penalty of \$19,639, absent aggravating circumstances. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between \$19,639 and \$196,387, as determined by the agency head or his or her designee.

\* \* \* \* \*

#### Appendix A to Part 1158 [Amended]

■ 5. Amend appendix A to part 1158 by:

■ a. Removing “\$19,246” and adding in its place “\$19,639” each place it appears.

■ b. Removing “\$192,459” and adding in its place “\$196,387” each place it appears.

Dated: January 9, 2018.

**Jillian Miller,**

*Director of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.*

[FR Doc. 2018–00537 Filed 1–12–18; 8:45 am]

BILLING CODE P

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### 45 CFR Parts 1230 and 2554

RIN 3045–AA68

#### 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, 2018.

*Comment due date:* Technical comments may be submitted until February 15, 2018.

**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 8:00 a.m. and 8:00 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 more than five million 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](http://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 15, 2017, OMB Memo for the Heads of Executive Agencies and Departments, M-18-03, *Implementation of Penalty Inflation Adjustments for 2018, 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 2018, based on the CPI-U for the month of October 2017, not seasonally adjusted, is 1.02041.

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 \$19,246 to \$192,459. Using the 2018 multiplier, the new range of possible civil monetary penalties is from \$19,639 to \$196,387.

The Program Fraud Civil Remedies Act of 1986 (Pub. L. 99-509) civil monetary penalty has an upper limit of \$10,957. Using the 2018 multiplier, the new upper limit of the civil monetary penalty is \$11,181.

**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 "\$19,246 to \$192,459" to "\$19,639 to \$196,387." The civil monetary penalties for the Program Fraud Civil Remedies Act of 1986 increase from "up to \$10,957" to "up to \$11,181."

**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 exempt 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 February 15, 2018.

*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, 2018. The adjusted civil penalty amounts apply to civil penalties assessed on or after January 15, 2018, 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 by:

- a. In paragraphs (a), (b), and (e), removing “\$19,246” and adding in its place “\$19,639” each place it appears.
- b. In paragraphs (a), (b), and (e), removing “\$192,459” and adding in its place “\$196,387” each place it appears.

**Appendix A to Part 1230 [Amended]**

## ■ 3. Amend appendix A to part 1230 by:

- a. Removing “\$19,246” and adding in its place “\$19,639” each place it appears.
- b. Removing “\$192,459” and adding in its place “\$196,387” each place it appears.

**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 by removing “\$10,957” in paragraph (b) and adding in its place “\$11,181.”

Dated: January 5, 2018.

**Tim Noelker,**

*General Counsel.*

[FR Doc. 2018–00558 Filed 1–12–18; 8:45 am]

**BILLING CODE 6050–28–P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 54**

[WC Docket Nos. 17–287, 11–42, 09–197; FCC 17–155]

**Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) takes a fresh look at the Commission’s Lifeline program and makes changes to the Lifeline rules to ensure that the program can more effectively and efficiently help close the digital divide for low-income consumers, while minimizing the contributions burden on ratepayers by tackling waste, fraud, and abuse.

**DATES:** Effective February 15, 2018, except for § 54.411, which will become

effective March 19, 2018, and §§ 54.403(a)(3), 54.413, and 54.414 which contain information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of those rules awaiting OMB approval.

**FOR FURTHER INFORMATION CONTACT:**

Jodie Griffin, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Fourth Report and Order, Order on Reconsideration, and Memorandum Opinion and Order in WC Docket Nos. 17–287, 11–42, 09–197; FCC 17–155, adopted on November 16, 2017 and released on December 1, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW, Washington, DC 20554 or at the following internet address: [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db1201/FCC-17-155A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1201/FCC-17-155A1.pdf). The Notice of Proposed Rulemaking (NPRM) and Notice of Inquiry (NOI) that was adopted concurrently with the Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order are published elsewhere in this issue of the **Federal Register**.

**I. Introduction**

1. This Fourth Report and Order, Order on Reconsideration, and Memorandum Opinion and Order takes a series of steps to address ongoing areas of concern in the Lifeline program to prevent waste, fraud, and abuse. Specifically, the Orders target enhanced Lifeline support to residents of rural areas on Tribal lands, establish mapping resources to identify rural Tribal lands, require independent certification of residency on rural Tribal lands, and direct enhanced support to facilities-based providers. In addition, this document makes changes to increase Lifeline benefit portability by eliminating the port freezes for voice and broadband internet access services. This document also clarifies that “premium Wi-Fi” and other similar networks of Wi-Fi-delivered broadband internet access service do not qualify as mobile broadband under the Lifeline program rules. Together, the Orders target enhanced Lifeline support for Tribal lands to support the deployment of modern communications networks, promote consumer choice within the program, and remove uncertainty and

streamline our rules regarding the application of Lifeline support and eligibility for Lifeline reimbursement.

**II. Fourth Report and Order**

2. In this Fourth Report and Order, the Commission adopts several reforms to our Tribal Lifeline policies to increase the availability and affordability of high-quality communications services on Tribal lands. The Commission first targets enhanced Lifeline support on Tribal lands to residents of rural areas on Tribal lands. Since 2000, the Lifeline and Link Up programs have provided an enhanced subsidy of up to an additional \$25 per month for service provided to qualified residents of Tribal lands, and a Link Up reduction of up to \$100 for the cost to initiate supported service for qualifying residents of Tribal lands. This targeted support is in recognition of not only the low income levels but also the particularly poor connectivity on many Tribal lands. When it adopted the enhanced Lifeline Tribal subsidy, the Commission noted that the “unavailability or unaffordability of telecommunications service on Tribal lands is at odds with our statutory goal of ensuring access to such services to ‘[c]onsumers in all regions of the Nation, including low-income consumers,’” and explained that the added Lifeline and Link Up support would help lead to the deployment of more robust networks. While the Commission provided the enhanced support as a discount on services, that support was focused to most efficiently encourage “investment and deployment” in facilities, especially since all Lifeline providers in the program at the time were facilities-based. Because of an overly-broad definition of the geographic areas eligible for the enhanced subsidy, however, many areas where this enhanced subsidy is currently available are *not* lacking in either voice or broadband networks. To remedy this, the Commission refines its approach to target enhanced Lifeline support to residents of rural areas on Tribal lands. Focusing the enhanced subsidy for Tribal lands on rural areas is consistent with the enhanced subsidy’s purpose and will ensure that the Fund is better directed toward the residents of Tribal lands who typically have the least choice for communications services.

3. The Commission believes that targeting enhanced support toward rural, facilities-based providers is consistent with the intent of the *2000 Tribal Order*, 65 FR 47883, August 4, 2000. While the *2000 Tribal Order* referenced reducing the costs of