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Please telephone (202) 663-7100 (voice) or (202) 921-2750, or email [commissionmeetingcomments@eeoc.gov](mailto:commissionmeetingcomments@eeoc.gov) at any time for information on this meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Rachel V. See, Acting Executive Officer, (202) 921-2545.

Dated: December 31, 2020.

**Rachel V. See,**

*Acting Executive Officer, Executive Secretariat.*

[FR Doc. 2020-29286 Filed 12-31-20; 4:15 pm]

**BILLING CODE 6570-01-P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**RIN 3064-ZA22**

**Notice of Inflation Adjustments for Civil Money Penalties**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of Monetary Penalties 2021.

**SUMMARY:** The Federal Deposit Insurance Corporation is providing notice of its maximum civil money penalties as adjusted for inflation.

**DATES:** The adjusted maximum amounts of civil money penalties in this notice are applicable to penalties assessed after January 15, 2021, for conduct occurring on or after November 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Graham N. Rehrig, Senior Attorney, Legal Division, (202) 898-3829, [grehrig@fdic.gov](mailto:grehrig@fdic.gov); Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** This notice announces changes to the maximum amount of each civil money penalty (CMP) within the Federal Deposit Insurance Corporation's (FDIC) jurisdiction to administer to account for inflation under the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Adjustment Act),<sup>1</sup> as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Adjustment Act).<sup>2</sup> Under the 1990 Adjustment Act, as amended, federal agencies must make annual adjustments to the maximum amount of each CMP the agency administers. The Office of Management and Budget (OMB) is required to issue

guidance to federal agencies no later than December 15 of each year providing an inflation-adjustment multiplier (*i.e.*, the inflation-adjustment factor agencies must use) applicable to CMPs assessed in the following year.

Agencies are required to publish their CMPs, adjusted under the multiplier provided by the OMB, by January 15 of the applicable year. Agencies, like the FDIC, that have codified the statutory formula for making the CMP adjustments may make annual inflation adjustments by providing notice in the **Federal Register**.<sup>3</sup>

On December 23, 2020, the OMB issued guidance to affected agencies on implementing the required annual adjustment, which guidance included the relevant inflation multiplier.<sup>4</sup> The FDIC has applied that multiplier to the maximum CMPs allowable in 2020 for FDIC-supervised institutions to calculate the maximum amount of CMPs that may be assessed by the FDIC in 2021.<sup>5</sup> There were no new statutory CMPs administered by the FDIC during 2020.

The following charts provide the inflation-adjusted maximum CMP amounts for use after January 15, 2021—the effective date of the 2021 annual adjustments—under 12 CFR part 308, for conduct occurring on or after November 2, 2015:

**MAXIMUM CIVIL MONEY PENALTY AMOUNTS**

U.S. code citation	Current maximum CMP (through January 14, 2021)	Adjusted maximum CMP <sup>6</sup> (beginning January 15, 2021)
12 U.S.C. 1464(v):		
Tier One CMP <sup>7</sup> .....	\$4,098	\$4,146
Tier Two CMP .....	40,979	2,048,915
Tier Three CMP <sup>8</sup> .....	41,463	2,073,133
12 U.S.C. 1467(d) .....	10,245	10,366
12 U.S.C. 1817(a):		
Tier One CMP <sup>9</sup> .....	4,098	4,146
Tier Two CMP .....	40,979	41,463
Tier Three CMP <sup>10</sup> .....	2,048,915	2,073,133
12 U.S.C. 1817(c):		
Tier One CMP .....	3,747	3,791
Tier Two CMP .....	37,458	37,901
Tier Three CMP <sup>11</sup> .....	1,872,957	1,895,095
12 U.S.C. 1817(j)(16):		
Tier One CMP .....	10,245	10,366
Tier Two CMP .....	51,222	51,827
Tier Three CMP <sup>12</sup> .....	2,048,915	2,073,133
12 U.S.C. 1818(i)(2): <sup>13</sup>		
Tier One CMP .....	10,245	10,366
Tier Two CMP .....	51,222	51,827
Tier Three CMP <sup>14</sup> .....	2,048,915	2,073,133

<sup>1</sup> Public Law 101-410, 104 Stat. 890, codified at 28 U.S.C. 2461 note.

<sup>2</sup> Public Law 114-74, 701(b), 129 Stat. 599, codified at 28 U.S.C. 2461 note.

<sup>3</sup> See Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum No. M-21-10, *Implementation of Penalty Inflation Adjustments*

*for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* 4 (2020), <https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf> ("OMB Guidance"); see also 12 CFR 308.132(d) (FDIC regulation that guides readers to the **Federal Register** to see the annual notice of CMP inflation adjustments).

<sup>4</sup> See OMB Guidance at 1 (providing an inflation multiplier of 1.01182).

<sup>5</sup> Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the maximum amounts set forth in the FDIC's regulations in effect prior to the enactment of the 2015 Adjustment Act.

MAXIMUM CIVIL MONEY PENALTY AMOUNTS—Continued

U.S. code citation	Current maximum CMP (through January 14, 2021)	Adjusted maximum CMP <sup>6</sup> (beginning January 15, 2021)
12 U.S.C. 1820(e)(4) .....	9,365	9,476
12 U.S.C. 1820(k)(6) .....	337,016	341,000
12 U.S.C. 1828(a)(3) .....	127	129
12 U.S.C. 1828(h): <sup>15</sup>		
For assessments <\$10,000 .....	127	129
12 U.S.C. 1829b(j) .....	21,410	21,663
12 U.S.C. 1832(c) .....	2,976	3,011
12 U.S.C. 1884 .....	297	301
12 U.S.C. 1972(2)(F):		
Tier One CMP .....	10,245	10,366
Tier Two CMP .....	51,222	51,827
Tier Three CMP <sup>16</sup> .....	2,048,915	2,073,133
12 U.S.C. 3909(d) .....	2,549	2,579
15 U.S.C. 78u-2:		
Tier One CMP (individuals) .....	9,639	9,753
Tier One CMP (others) .....	96,384	97,523
Tier Two CMP (individuals) .....	96,384	97,523
Tier Two CMP (others) .....	481,920	487,616
Tier Three CMP (individuals) .....	192,768	195,047
Tier Three CMP (others) .....	963,837	975,230
15 U.S.C. 1639e(k):		
First violation .....	11,767	11,906
Subsequent violations .....	23,533	23,811
31 U.S.C. 3802 .....	11,665	11,803
42 U.S.C. 4012a(f) .....	2,226	2,252

CFR citation	Current presumptive CMP (through January 14, 2021)	Adjusted presumptive CMP (beginning January 15, 2021)
12 CFR 308.132(e)(1)(i):		
Institutions with \$25 million or more in as-		
sets:		
1 to 15 days late .....	\$562	\$569.
16 or more days late .....	\$1,124	\$1,137.
Institutions with less than \$25 million in as-		
sets:		
1 to 15 days late <sup>17</sup> .....	\$188	\$190.
16 or more days late <sup>18</sup> .....	\$374	\$378.
12 CFR 308.132(e)(1)(ii):		
Institutions with \$25 million or more in as-		
sets:		
1 to 15 days late .....	\$936	\$947.
16 or more days late .....	\$1,872	\$1,894.
Institutions with less than \$25 million in as-		
sets:		
1 to 15 days late .....	1/50,000th of the institution's total assets .....	1/50,000th of the institution's total assets.
16 or more days late .....	1/25,000th of the institution's total assets .....	1/25,000th of the institution's total assets.
12 CFR 308.132(e)(2) .....	\$40,979	\$41,463.
12 CFR 308.132(e)(3):		

<sup>6</sup> The maximum penalty amount is per day, unless otherwise indicated.

<sup>7</sup> 12 U.S.C. 1464(v) provides the maximum CMP amounts for the late filing of certain Call Reports. In 2012, however, the FDIC issued regulations that further subdivided these amounts based upon the size of the institution and the lateness of the filing. See 77 FR 74573, 74576-78 (Dec. 17, 2012), codified at 12 CFR 308.132(e)(1). These adjusted subdivided amounts are found at the end of this chart.

<sup>8</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

<sup>9</sup> 12 U.S.C. 1817(a) provides the maximum CMP amounts for the late filing of certain Call Reports. In 1991, however, the FDIC issued regulations that

further subdivided these amounts based upon the size of the institution and the lateness of the filing. See 56 FR 37968, 37992-93 (Aug. 9, 1991), codified at 12 CFR 308.132(e)(1). These adjusted subdivided amounts are found at the end of this chart.

<sup>10</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

<sup>11</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

<sup>12</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

<sup>13</sup> These amounts also apply to CMPs in statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2601, 2804(b), 3108(b), 3349(b), 4009(a),

4309(a), 4717(b); 15 U.S.C. 1607(a), 1681s(b), 1691(b), 1691c(a), 1693o(a); and 42 U.S.C. 3601.

<sup>14</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

<sup>15</sup> The \$129-per-day maximum CMP under 12 U.S.C. 1828(h), for failure or refusal to pay any assessment, applies only when the assessment is less than \$10,000. When the amount of the assessment is \$10,000 or more, the maximum CMP under section 1828(h) is 1 percent of the amount of the assessment for each day that the failure or refusal continues.

<sup>16</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

CFR citation	Current presumptive CMP (through January 14, 2021)	Adjusted presumptive CMP (beginning January 15, 2021)
Tier One CMP .....	\$4,098 .....	\$4,146.
Tier Two CMP .....	\$40,979 .....	\$41,463.
Tier Three CMP <sup>19</sup> .....	\$2,048,915 .....	\$2,073,133.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on December 30, 2020.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2020–29175 Filed 1–4–21; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL TRADE COMMISSION

[File No. 191 0110]

### **E. & J. Gallo Winery and Constellation Brands; Analysis of Agreement Containing Consent Orders To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement; request for comment.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis of Proposed Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 4, 2021.

**ADDRESSES:** Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: “E. & J. Gallo Winery and Constellation Brands; File No. 191 0110” on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC

<sup>17</sup> The maximum penalty amount for an institution is the greater of this amount or 1/100,000th of the institution’s total assets.

<sup>18</sup> The maximum penalty amount for an institution is the greater of this amount or 1/50,000th of the institution’s total assets.

<sup>19</sup> The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Arens (202–326–3552), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 5, 2021. Write “E. & J. Gallo Winery and Constellation Brands; File No. 191 0110” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Due to protective actions in response to the COVID–19 pandemic and the agency’s heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write “E. & J. Gallo Winery and Constellation Brands; File No. 191 0110” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite

CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or