

contractors from lawfully reporting such fraud, waste, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information;

(7) 2 CFR part 183, Never Contract With the Enemy; and

(8) 2 CFR 200.216, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.

This action is taken pursuant to delegated authority.

**Rachael S. Taylor,**

*Principal Deputy Assistant Secretary—Policy, Management and Budget.*

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## DEPARTMENT OF HOMELAND SECURITY

### 6 CFR Part 27

### 8 CFR Parts 270, 274a, and 280

### U.S. Customs and Border Protection

### 19 CFR Part 4

### Coast Guard

### 33 CFR Part 27

### Transportation Security Administration

### 49 CFR Part 1503

### RIN 1601-AA99

### Civil Monetary Penalty Adjustments for Inflation

**AGENCY:** Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Department of Homeland Security (DHS) makes the 2021 annual inflation adjustment to its civil monetary penalties. On November 2, 2015, the President signed into law The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (The 2015 Act). Pursuant to the 2015 Act, all agencies must adjust their civil monetary penalties annually and publish the adjustment in the **Federal Register**. Accordingly, this final rule adjusts the Department's civil monetary penalties for 2021 pursuant to the 2015 Act and Executive Office of the President (EOP) Office of Management and Budget (OMB) guidance. The new penalties will be effective for penalties assessed after October 18, 2021 whose

associated violations occurred after November 2, 2015.

**DATES:** This rule is effective on October 18, 2021.

**FOR FURTHER INFORMATION CONTACT:** Hillary Hunnings, 202-282-9043, [hillary.hunnings@hq.dhs.gov](mailto:hillary.hunnings@hq.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

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#### I. Statutory and Regulatory Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114-74 section 701 (Nov. 2, 2015)) (2015 Act).<sup>1</sup> The 2015 Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act required agencies to: (1) Adjust the level of civil monetary penalties with an initial “catch-up” adjustment through issuance of an interim final rule (IFR) and (2) make subsequent annual adjustments for inflation. Through the “catch-up” adjustment, agencies were required to adjust the maximum amounts of civil monetary penalties to more accurately reflect inflation rates.

For the subsequent annual adjustments, the 2015 Act requires agencies to increase the penalty amounts by a cost-of-living adjustment. The 2015 Act directs OMB to provide guidance to agencies each year to assist agencies in making the annual adjustments. The 2015 Act requires agencies to make the annual adjustments no later than January 15 of each year and to publish the adjustments in the **Federal Register**.

Pursuant to the 2015 Act, DHS undertook a review of the civil penalties that DHS and its components administer.<sup>2</sup> On July 1, 2016, DHS

published an IFR adjusting the maximum civil monetary penalties with an initial “catch-up” adjustment, as required by the 2015 Act.<sup>3</sup> DHS calculated the adjusted penalties based upon nondiscretionary provisions in the 2015 Act and upon guidance that OMB issued to agencies on February 24, 2016.<sup>4</sup> The adjusted penalties were effective for civil penalties assessed after August 1, 2016 (the effective date of the IFR), whose associated violations occurred after November 2, 2015 (the date of enactment of the 2015 Act). On January 27, 2017, DHS published a final rule making the annual adjustment for 2017.<sup>5</sup> On April 2, 2018, DHS made the 2018 annual inflation adjustment.<sup>6</sup> On April 5, 2019, DHS made the 2019 annual inflation adjustment.<sup>7</sup> On June 17, 2020, DHS made the 2020 annual inflation adjustment.<sup>8</sup>

#### II. Overview of the Final Rule

This final rule makes the 2021 annual inflation adjustments to civil monetary penalties pursuant to the 2015 Act and pursuant to guidance OMB issued to agencies on December 23, 2020.<sup>9</sup> The penalty amounts in this final rule will be effective for penalties assessed after October 18, 2021 where the associated violation occurred after November 2, 2015. Consistent with OMB guidance, the 2015 Act does not change previously assessed penalties that the agency is actively collecting or has collected.

The adjusted penalty amounts will apply to penalties assessed after the effective date of this final rule. We discuss civil penalties by DHS component in Section III below. For each component identified in Section III, below, we briefly describe the

addition to tax and additional amount) under the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*) and the Tariff Act of 1930 (19 U.S.C. 1202 *et seq.*). See sec. 4(a)(1) of the 2015 Act. In the case of DHS, several civil penalties that are assessed by U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard (USCG) fall under the Tariff Act of 1930, and therefore DHS did not adjust those civil penalties in this rulemaking.

<sup>3</sup> See 81 FR 42987.

<sup>4</sup> Office of Mgmt. & Budget, Exec. Office of The President, M-16-06, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Table A: 2016 Civil Monetary Penalty Catch-Up Adjustment Multiplier by Calendar Year. (Feb. 24, 2016) (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-06.pdf>).

<sup>5</sup> See 82 FR 8571.

<sup>6</sup> See 83 FR 13826.

<sup>7</sup> See 84 FR 13499.

<sup>8</sup> See 85 FR 36469.

<sup>9</sup> Office of Mgmt. and Budget, Exec. Office of the President, M-21-10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

<sup>1</sup> The 2015 Act was part of the Bipartisan Budget Act of 2015, Public Law 114-74 (Nov. 2, 2015).

<sup>2</sup> The 2015 Act applies to all agency civil penalties except for any penalty (including any

relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2021. In the table for each component, we show (1) the penalty name, (2) the penalty statutory and or regulatory citation, (3) the penalty amount as adjusted in the 2020 final rule, (4) the cost-of-living adjustment multiplier for 2021 that OMB provided in its December 23, 2020, guidance, and (5) the new 2021 adjusted penalty. The 2015 Act instructs agencies to round penalties to the nearest \$1. For a more complete discussion of the method used for calculating the initial “catch-up” inflation adjustments and a component-by-component breakdown to the nature of the civil penalties and relevant legal authorities, please see the IFR preamble at 81 FR 42987–43000.

**III. Adjustments by Component**

In the following sections, we briefly describe the civil penalties that DHS and its components, the Cybersecurity and Infrastructure Security Agency (CISA), the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), the U.S. Coast Guard (USCG), and the Transportation Security Administration (TSA), assess. Other components not mentioned do not impose any civil monetary penalties. We include tables at the end of each section, which list the individual adjustments for each penalty.

*A. Cybersecurity and Infrastructure Security Agency*

The Cybersecurity and Infrastructure Security Agency (CISA) administers

only one civil penalty that the 2015 Act affects. That penalty assesses fines for violations of the Chemical Facility Anti-Terrorism Standards (CFATS). CFATS is a program that regulates the security of chemical facilities that, in the discretion of the Secretary, present high levels of security risk. DHS established the CFATS program in 2007 pursuant to section 550 of the Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109–295).<sup>10</sup> The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR). Below is a table showing the 2021 adjustment for the CFATS penalty that CISA administers.

**TABLE 1—CFATS CIVIL PENALTY ADJUSTMENT**

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR (per day)	Multiplier*	New penalty as adjusted by this final rule (per day)
Penalty for non-compliance with CFATS regulations .....	6 U.S.C. 624(b)(1); 6 CFR 27.300(b)(3).	\$35,486	1.01182	\$35,905

\* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

*B. U.S. Customs and Border Protection*

The U.S. Customs and Border Protection (CBP) assesses civil monetary penalties under various titles of the United States Code (U.S.C.) and the CFR. These include penalties for certain violations of title 8 of the CFR regarding the Immigration and Nationality Act of 1952 (Pub. L. 82–414, as amended) (INA). The INA contains provisions that impose penalties on persons, including

carriers and aliens, who violate specified provisions of the INA. The relevant penalty provisions appear in numerous sections of the INA; however, CBP has enumerated these penalties in regulation in one location—8 CFR 280.53. For a complete list of the INA sections for which penalties are assessed, in addition to a brief description of each violation, see the 2016 IFR preamble at 81 FR 42989–42990. For a complete list and brief

description of the non-INA civil monetary penalties assessed by CBP subject to adjustment and a discussion of the history of the DHS and CBP adjustments to the non-INA penalties, see the 2019 annual inflation adjustment final rule preamble at 84 FR 13499, 13500 (April 5, 2019).

Below is a table showing the 2021 adjustment for the penalties that CBP administers.

**TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS**

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States.	8 U.S.C. 1221(g); 8 CFR 280.53(b)(1) (INA section 231(g)).	\$1,419	1.01182	\$1,436
Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens.	8 U.S.C. 1224; 8 CFR 280.53(b)(2) (INA section 234).	3,855	1.01182	3,901
Penalties for failure to depart voluntarily .....	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3) (INA section 240B(d)).	1,625–8,128	1.01182	1,644–8,224
Penalties for violations of removal orders relating to aliens transported on vessels or aircraft under section 241(d) of the INA, or for costs associated with removal under section 241(e) of the INA.	8 U.S.C. 1253(c)(1)(A); 8 CFR 280.53(b)(4) (INA section 243(c)(1)(A)).	3,251	1.01182	3,289
Penalties for failure to remove alien stowaways under section 241(d)(2) of the INA.	8 U.S.C. 1253(c)(1)(B); 8 CFR 280.53(b)(5) (INA section 243(c)(1)(B)).	8,128	1.01182	8,224

<sup>10</sup> Section 550 has since been superseded by the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Pub. L. 113–254). The new legislation codified the statutory authority for

the CFATS program within Title XXI of the Homeland Security Act of 2002, as amended. See 6 U.S.C. 621 *et seq.* Public Law 113–254 authorized the CFATS program from January 18, 2015 to

January 17, 2019. Public Law 116–150 extends the CFATS program authorization to July 27, 2023.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(b)(6) (INA section 251(d)).	<sup>a</sup> 385	1.01182	<sup>a</sup> 390
Penalties for use of alien crewmen for longshore work in violation of section 251(d) of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(b)(6) (INA section 251(d)).	9,639	1.01182	9,753
Penalties for failure to control, detain, or remove alien crewmen .....	8 U.S.C. 1284(a); 8 CFR 280.53(b)(7) (INA section 254(a)).	964–5,783	1.01182	975–5,851
Penalties for employment on passenger vessels of aliens afflicted with certain disabilities.	8 U.S.C. 1285; 8 CFR 280.53(b)(8) (INA section 255).	1,928	1.01182	1,951
Penalties for discharge of alien crewmen .....	8 U.S.C. 1286; 8 CFR 280.53(b)(9) (INA section 256).	2,891–5,783	1.01182	2,925–5,851
Penalties for bringing into the United States alien crewmen with intent to evade immigration laws.	8 U.S.C. 1287; 8 CFR 280.53(b)(10) (INA section 257).	19,277	1.01182	19,505
Penalties for failure to prevent the unauthorized landing of aliens ...	8 U.S.C. 1321(a); 8 CFR 280.53(b)(11) (INA section 271(a)).	5,783	1.01182	5,851
Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground.	8 U.S.C. 1322(a); 8 CFR 280.53(b)(12) (INA section 272(a)).	5,783	1.01182	5,851
Penalties for bringing to the United States aliens without required documentation.	8 U.S.C. 1323(b); 8 CFR 280.53(b)(13) (INA section 273(b)).	5,783	1.01182	5,851
Penalties for failure to depart .....	8 U.S.C. 1324d; 8 CFR 280.53(b)(14) (INA section 274D).	813	1.01182	823
Penalties for improper entry .....	8 U.S.C. 1325(b); 8 CFR 280.53(b)(15) (INA section 275(b)).	81–407	1.01182	82–412
Penalty for dealing in or using empty stamped imported liquor containers.	19 U.S.C. 469 .....	540	1.01182	** 546
Penalty for employing a vessel in a trade without a required Certificate of Documentation.	19 U.S.C. 1706a; 19 CFR 4.80(i)	1,352	1.01182	1,368
Penalty for transporting passengers coastwise for hire by certain vessels (known as Bowaters vessels) that do not meet specified conditions.	46 U.S.C. 12118(f)(3) .....	540	1.01182	** 546
Penalty for transporting passengers between coastwise points in the United States by a non-coastwise qualified vessel.	46 U.S.C. 55103(b); 19 CFR 4.80(b)(2).	812	1.01182	822
Penalty for towing a vessel between coastwise points in the United States by a non-coastwise qualified vessel.	46 U.S.C. 55111(c); 19 CFR 4.92	<sup>b</sup> 946–2,976	1.01182	<sup>c</sup> 957–3,011

\* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

\*\* No applicable conforming edit to regulatory text.

<sup>a</sup> for each alien.

<sup>b</sup> plus \$162 per ton.

<sup>c</sup> \$164 per ton.

C. U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) assesses civil monetary penalties for certain employment-related violations arising from the INA. ICE’s civil penalties are located in title 8 of the CFR.

There are three different sections in the INA that impose civil monetary penalties for violations of the laws that relate to employment actions: sections 274A, 274B, and 274C. ICE has primary

enforcement responsibilities for two of these civil penalty provisions (sections 274A and 274C), and the Department of Justice (DOJ) has enforcement responsibilities for one of these civil penalty provisions (section 274B). The INA, in sections 274A and 274C, provides for imposition of civil penalties for various specified unlawful acts pertaining to the employment eligibility verification process (Form I–9, Employment Eligibility Verification), the employment of unauthorized aliens, and document fraud.

Because both DHS and DOJ implement the three employment-related penalty sections in the INA, both Departments’ implementing regulations reflect the civil penalty amounts. For a complete description of the civil money penalties assessed and a discussion of DHS’s and DOJ’s efforts to update the penalties in years past, see the IFR preamble at 81 FR 42991. Below is a table showing the 2021 adjustment for the penalties that ICE administers.<sup>11</sup>

<sup>11</sup> Table 3 also includes two civil penalties that are also listed as penalties administered by CBP. These are penalties for failure to depart voluntarily, INA section 240B(d), and failure to depart after a

final order of removal, INA section 274D. Both CBP and ICE may administer these penalties, but as ICE is the DHS component primarily responsible for

assessing and collecting them, they are also listed among the penalties ICE administers.

TABLE 3—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Civil penalties for failure to depart voluntarily, INA section 240B(d)	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3)	\$1,625–\$8,128	1.01182	\$1,644–\$8,224
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(A)	481–3,855	1.01182	487–3,901
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(B)	407–3,251	1.01182	412–3,289
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(C)	3,855–9,639	1.01182	3,901–9,753
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(D)	** 3,251–8,128	1.01182	3,289–8,224
Violation/prohibition of indemnity bonds	8 CFR 274a.8(b)	2,332	1.01182	2,360
Civil penalties for knowingly hiring, recruiting, referral, or retention of unauthorized aliens—Penalty for first offense (per unauthorized alien).	8 CFR 274a.10(b)(1)(ii)(A)	583–4,667	1.01182	590–4,722
Penalty for second offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(B)	4,667–11,665	1.01182	4,722–11,803
Penalty for third or subsequent offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(C)	6,999–23,331	1.01182	7,082–23,607
Civil penalties for I–9 paperwork violations	8 CFR 274a.10(b)(2)	234–2,332	1.01182	237–2,360
Civil penalties for failure to depart, INA section 274D	8 U.S.C. 1324d; 8 CFR 280.53(b)(14)	813	1.01182	823

\* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

\*\* The \$3,251 penalty minimum amount was erroneously listed as \$3,351 in the regulatory text of the 2020 final rule. It was correctly listed as \$3,251 in the preamble of the 2020 final rule. DHS calculated the new penalty minimum amount as adjusted by this final rule based on \$3,251.

D. U.S. Coast Guard

The Coast Guard is authorized to assess close to 150 penalties involving maritime safety and security and environmental stewardship that are critical to the continued success of Coast Guard missions. Various statutes in titles 14, 16, 19, 33, 42, 46, and 49 of the U.S.C. authorize these penalties. Titles 33 and 46 authorize the vast majority of these penalties as these statutes deal with navigation, navigable waters, and shipping. For a complete discussion of the civil monetary penalties assessed by the Coast Guard,

see the 2016 IFR preamble at 81 FR 42992.

The Coast Guard has identified the penalties it administers, adjusted those penalties for inflation, and is listing those new penalties in a table located in the CFR—specifically, Table 1 in 33 CFR 27.3. Table 1 in 33 CFR 27.3 identifies the statutes that provide the Coast Guard with civil monetary penalty authority and sets out the inflation-adjusted maximum penalty that the Coast Guard may impose pursuant to each statutory provision. Table 1 in 33 CFR 27.3 provides the current

maximum penalty for violations that occurred after November 2, 2015.<sup>12</sup>

The applicable civil penalty amounts for violations occurring on or before November 2, 2015, are set forth in previously published regulations amending 33 CFR part 27. To find the applicable penalty amount for a violation that occurred on or before November 2, 2015, look to the prior versions of the CFR that pertain to the date on which the violation occurred.

Table 4 below shows the 2021 adjustment for the penalties that the Coast Guard administers.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Saving Life and Property	14 U.S.C. 521(c)	\$10,839	1.01182	\$10,967
Saving Life and Property; Intentional Interference with Broadcast	14 U.S.C. 521(e)	1,112	1.01182	1,125
Confidentiality of Medical Quality Assurance Records (first offense)	14 U.S.C. 936(i); 33 CFR 27.3	5,444	1.01182	5,508
Confidentiality of Medical Quality Assurance Records (subsequent offenses)	14 U.S.C. 936(i); 33 CFR 27.3	36,297	1.01182	36,726
Obstruction of Revenue Officers by Masters of Vessels	19 U.S.C. 70; 33 CFR 27.3	8,116	1.01182	8,212
Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.	19 U.S.C. 70; 33 CFR 27.3	1,894	1.01182	1,916
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge.	19 U.S.C. 1581(d)	** 5,000	N/A	** 5,000
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty.	19 U.S.C. 1581(d)	** 1,000	N/A	** 1,000
Anchorage Ground/Harbor Regulations General	33 U.S.C. 471; 33 CFR 27.3	11,767	1.01182	11,906
Anchorage Ground/Harbor Regulations St. Mary's river	33 U.S.C. 474; 33 CFR 27.3	812	1.01182	822
Bridges/Failure to Comply with Regulations	33 U.S.C. 495(b); 33 CFR 27.3	29,707	1.01182	30,058
Bridges/Drawbridges	33 U.S.C. 499(c); 33 CFR 27.3	29,707	1.01182	30,058
Bridges/Failure to Alter Bridge Obstructing Navigation	33 U.S.C. 502(c); 33 CFR 27.3	29,707	1.01182	30,058
Bridges/Maintenance and Operation	33 U.S.C. 533(b); 33 CFR 27.3	29,707	1.01182	30,058
Bridge to Bridge Communication; Master, Person in Charge or Pilot	33 U.S.C. 1208(a); 33 CFR 27.3	2,164	1.01182	2,190
Bridge to Bridge Communication; Vessel	33 U.S.C. 1208(b); 33 CFR 27.3	2,164	1.01182	2,190
Oil/Hazardous Substances: Discharges (Class I per violation)	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	19,277	1.01182	19,505
Oil/Hazardous Substances: Discharges (Class I total under paragraph).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	48,192	1.01182	48,762

<sup>12</sup> The Frank LoBiondo Coast Guard Authorization Act of 2018 re-designated certain

existing sections of the U.S.C., including 14 U.S.C. 88 (now 14 U.S.C. 521) and 33 U.S.C. 1232 and

1236 (now 46 U.S.C. 70036 and 70041). The table reflects those changes to the statutory citations.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Oil/Hazardous Substances: Discharges (Class II per day of violation).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.	19,277	1.01182	19,505
Oil/Hazardous Substances: Discharges (Class II total under paragraph).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.	240,960	1.01182	243,808
Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.	48,192	1.01182	48,762
Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.	1,928	1.01182	1,951
Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	33 U.S.C. 1321(b)(7)(B); 33 CFR 27.3.	48,192	1.01182	48,762
Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	33 U.S.C. 1321(b)(7)(C); 33 CFR 27.3.	48,192	1.01182	48,762
Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.	5,783	1.01182	5,851
Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.	192,768	1.01182	195,047
Marine Sanitation Devices; Operating .....	33 U.S.C. 1322(j); 33 CFR 27.3 ..	8,116	1.01182	8,212
Marine Sanitation Devices; Sale or Manufacture .....	33 U.S.C. 1322(j); 33 CFR 27.3 ..	21,640	1.01182	21,896
International Navigation Rules; Operator .....	33 U.S.C. 1608(a); 33 CFR 27.3	15,173	1.01182	15,352
International Navigation Rules; Vessel .....	33 U.S.C. 1608(b); 33 CFR 27.3	15,173	1.01182	15,352
Pollution from Ships; General .....	33 U.S.C. 1908(b)(1); 33 CFR 27.3.	75,867	1.01182	76,764
Pollution from Ships; False Statement .....	33 U.S.C. 1908(b)(2); 33 CFR 27.3.	15,173	1.01182	15,352
Inland Navigation Rules; Operator .....	33 U.S.C. 2072(a); 33 CFR 27.3	15,173	1.01182	15,352
Inland Navigation Rules; Vessel .....	33 U.S.C. 2072(b); 33 CFR 27.3	15,173	1.01182	15,352
Shore Protection; General .....	33 U.S.C. 2609(a); 33 CFR 27.3	53,524	1.01182	54,157
Shore Protection; Operating Without Permit .....	33 U.S.C. 2609(b); 33 CFR 27.3	21,410	1.01182	21,663
Oil Pollution Liability and Compensation .....	33 U.S.C. 2716a(a); 33 CFR 27.3	48,192	1.01182	48,762
Clean Hulls .....	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.	44,124	1.01182	44,646
Clean Hulls—related to false statements .....	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.	58,833	1.01182	59,528
Clean Hulls—Recreational Vessel .....	33 U.S.C. 3852(c); 33 CFR 27.3	5,883	1.01182	5,953
Hazardous Substances, Releases, Liability, Compensation (Class I)	42 U.S.C. 9609(a); 33 CFR 27.3	58,328	1.01182	59,017
Hazardous Substances, Releases, Liability, Compensation (Class II).	42 U.S.C. 9609(b); 33 CFR 27.3	58,328	1.01182	59,017
Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	42 U.S.C. 9609(b); 33 CFR 27.3	174,985	1.01182	177,053
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	42 U.S.C. 9609(c); 33 CFR 27.3	58,328	1.01182	59,017
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	42 U.S.C. 9609(c); 33 CFR 27.3	174,985	1.01182	177,053
Safe Containers for International Cargo .....	46 U.S.C. 80509; 33 CFR 27.3 ...	6,376	1.01182	6,451
Suspension of Passenger Service .....	46 U.S.C. 70305; 33 CFR 27.3 ...	63,761	1.01182	64,515
Vessel Inspection or Examination Fees .....	46 U.S.C. 2110(e); 33 CFR 27.3	9,639	1.01182	9,753
Alcohol and Dangerous Drug Testing .....	46 U.S.C. 2115; 33 CFR 27.3 .....	7,846	1.01182	7,939
Negligent Operations: Recreational Vessels .....	46 U.S.C. 2302(a); 33 CFR 27.3	7,097	1.01182	7,181
Negligent Operations: Other Vessels .....	46 U.S.C. 2302(a); 33 CFR 27.3	35,486	1.01182	35,905
Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	46 U.S.C. 2302(c)(1); 33 CFR 27.3.	7,846	1.01182	7,939
Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	46 U.S.C. 2306(a)(4); 33 CFR 27.3.	12,219	1.01182	12,363
Vessel Reporting Requirements: Master .....	46 U.S.C. 2306(b)(2); 33 CFR 27.3.	2,444	1.01182	2,473
Immersion Suits .....	46 U.S.C. 3102(c)(1); 33 CFR 27.3.	12,219	1.01182	12,363
Inspection Permit .....	46 U.S.C. 3302(i)(5); 33 CFR 27.3.	2,549	1.01182	2,579
Vessel Inspection; General .....	46 U.S.C. 3318(a); 33 CFR 27.3	12,219	1.01182	12,363
Vessel Inspection; Nautical School Vessel .....	46 U.S.C. 3318(g); 33 CFR 27.3	12,219	1.01182	12,363
Vessel Inspection; Failure to Give Notice IAW 3304(b) .....	46 U.S.C. 3318(h); 33 CFR 27.3	2,444	1.01182	2,473
Vessel Inspection; Failure to Give Notice IAW 3309(c) .....	46 U.S.C. 3318(i); 33 CFR 27.3 ..	2,444	1.01182	2,473
Vessel Inspection; Vessel ≥ 1,600 Gross Tons .....	46 U.S.C. 3318(j)(1); 33 CFR 27.3.	24,441	1.01182	24,730
Vessel Inspection; Vessel < 1,600 Gross Tons .....	46 U.S.C. 3318(j)(1); 33 CFR 27.3.	4,888	1.01182	4,946
Vessel Inspection; Failure to Comply with 3311(b) .....	46 U.S.C. 3318(k); 33 CFR 27.3	24,441	1.01182	24,730
Vessel Inspection; Violation of 3318(b)—3318(f) .....	46 U.S.C. 3318(l); 33 CFR 27.3 ..	12,219	1.01182	12,363
List/count of Passengers .....	46 U.S.C. 3502(e); 33 CFR 27.3	254	1.01182	257
Notification to Passengers .....	46 U.S.C. 3504(c); 33 CFR 27.3	25,479	1.01182	25,780
Notification to Passengers; Sale of Tickets .....	46 U.S.C. 3504(c); 33 CFR 27.3	1,273	1.01182	1,288
Copies of Laws on Passenger Vessels; Master .....	46 U.S.C. 3506; 33 CFR 27.3 .....	510	1.01182	516
Liquid Bulk/Dangerous Cargo .....	46 U.S.C. 3718(a)(1); 33 CFR 27.3.	63,699	1.01182	64,452
Uninspected Vessels .....	46 U.S.C. 4106; 33 CFR 27.3 .....	10,705	1.01182	10,832
Recreational Vessels (maximum for related series of violations) .....	46 U.S.C. 4311(b)(1); 33 CFR 27.3.	337,016	1.01182	341,000
Recreational Vessels; Violation of 4307(a) .....	46 U.S.C. 4311(b)(1); 33 CFR 27.3.	6,740	1.01182	6,820

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Recreational vessels	46 U.S.C. 4311(c); 33 CFR 27.3	2,549	1.01182	2,579
Uninspected Commercial Fishing Industry Vessels	46 U.S.C. 4507; 33 CFR 27.3	10,705	1.01182	10,832
Abandonment of Barges	46 U.S.C. 4703; 33 CFR 27.3	1,814	1.01182	1,835
Load Lines	46 U.S.C. 5116(a); 33 CFR 27.3	11,665	1.01182	11,803
Load Lines; Violation of 5112(a)	46 U.S.C. 5116(b); 33 CFR 27.3	23,331	1.01182	23,607
Load Lines; Violation of 5112(b)	46 U.S.C. 5116(c); 33 CFR 27.3	11,665	1.01182	11,803
Reporting Marine Casualties	46 U.S.C. 6103(a); 33 CFR 27.3	40,640	1.01182	41,120
Reporting Marine Casualties; Violation of 6104	46 U.S.C. 6103(b); 33 CFR 27.3	10,705	1.01182	10,832
Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	46 U.S.C. 8101(e); 33 CFR 27.3	1,928	1.01182	1,951
Manning of Inspected Vessels	46 U.S.C. 8101(f); 33 CFR 27.3	19,277	1.01182	19,505
Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	46 U.S.C. 8101(g); 33 CFR 27.3	19,277	1.01182	19,505
Manning of Inspected Vessels; Freight Vessel < 100 GT, Small Passenger Vessel, or Sailing School Vessel.	46 U.S.C. 8101(h); 33 CFR 27.3	2,549	1.01182	2,579
Watchmen on Passenger Vessels	46 U.S.C. 8102(a)	2,549	1.01182	2,579
Citizenship Requirements	46 U.S.C. 8103(f)	1,273	1.01182	1,288
Watches on Vessels; Violation of 8104(a) or (b)	46 U.S.C. 8104(i)	19,277	1.01182	19,505
Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	46 U.S.C. 8104(j)	19,277	1.01182	19,505
Staff Department on Vessels	46 U.S.C. 8302(e)	254	1.01182	257
Officer's Competency Certificates	46 U.S.C. 8304(d)	254	1.01182	257
Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 8502(e)	19,277	1.01182	19,505
Coastwise Pilotage; Individual	46 U.S.C. 8502(f)	19,277	1.01182	19,505
Federal Pilots	46 U.S.C. 8503	61,098	1.01182	61,820
Merchant Mariners Documents	46 U.S.C. 8701(d)	1,273	1.01182	1,288
Crew Requirements	46 U.S.C. 8702(e)	19,277	1.01182	19,505
Small Vessel Manning	46 U.S.C. 8906	40,640	1.01182	41,120
Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 9308(a)	19,277	1.01182	19,505
Pilotage: Great Lakes; Individual	46 U.S.C. 9308(b)	19,277	1.01182	19,505
Pilotage: Great Lakes; Violation of 9303	46 U.S.C. 9308(c)	19,277	1.01182	19,505
Failure to Report Sexual Offense	46 U.S.C. 10104(b)	10,245	1.01182	10,366
Pay Advances to Seamen	46 U.S.C. 10314(a)(2)	1,273	1.01182	1,288
Pay Advances to Seamen; Remuneration for Employment	46 U.S.C. 10314(b)	1,273	1.01182	1,288
Allotment to Seamen	46 U.S.C. 10315(c)	1,273	1.01182	1,288
Seamen Protection; General	46 U.S.C. 10321	8,831	1.01182	8,935
Coastwise Voyages; Advances	46 U.S.C. 10505(a)(2)	8,831	1.01182	8,935
Coastwise Voyages; Advances; Remuneration for Employment	46 U.S.C. 10505(b)	8,831	1.01182	8,935
Coastwise Voyages; Seamen Protection; General	46 U.S.C. 10508(b)	8,831	1.01182	8,935
Effects of Deceased Seamen	46 U.S.C. 10711	510	1.01182	516
Complaints of Unfitness	46 U.S.C. 10902(a)(2)	1,273	1.01182	1,288
Proceedings on Examination of Vessel	46 U.S.C. 10903(d)	254	1.01182	257
Permission to Make Complaint	46 U.S.C. 10907(b)	1,273	1.01182	1,288
Accommodations for Seamen	46 U.S.C. 11101(f)	1,273	1.01182	1,288
Medicine Chests on Vessels	46 U.S.C. 11102(b)	1,273	1.01182	1,288
Destitute Seamen	46 U.S.C. 11104(b)	254	1.01182	257
Wages on Discharge	46 U.S.C. 11105(c)	1,273	1.01182	1,288
Log Books; Master Failing to Maintain	46 U.S.C. 11303(a)	510	1.01182	516
Log Books; Master Failing to Make Entry	46 U.S.C. 11303(b)	510	1.01182	516
Log Books; Late Entry	46 U.S.C. 11303(c)	382	1.01182	387
Carrying of Sheath Knives	46 U.S.C. 11506	127	1.01182	129
Vessel Documentation	46 U.S.C. 12151(a)(1)	16,687	1.01182	16,884
Documentation of Vessels—Related to Activities involving mobile offshore drilling units.	46 U.S.C. 12151(a)(2)	27,813	1.01182	28,142
Vessel Documentation; Fishery Endorsement	46 U.S.C. 12151(c)	127,525	1.01182	129,032
Numbering of Undocumented Vessels—Willful violation	46 U.S.C. 12309(a)	12,740	1.01182	12,891
Numbering of Undocumented Vessels	46 U.S.C. 12309(b)	2,549	1.01182	2,579
Vessel Identification System	46 U.S.C. 12507(b)	21,410	1.01182	21,663
Measurement of Vessels	46 U.S.C. 14701	46,664	1.01182	47,216
Measurement; False Statements	46 U.S.C. 14702	46,664	1.01182	47,216
Commercial Instruments and Maritime Liens	46 U.S.C. 31309	21,410	1.01182	21,663
Commercial Instruments and Maritime Liens; Mortgagor	46 U.S.C. 31330(a)(2)	21,410	1.01182	21,663
Commercial Instruments and Maritime Liens; Violation of 31329	46 U.S.C. 31330(b)(2)	53,524	1.01182	54,157
Ports and Waterway Safety Regulations	46 U.S.C. 70036(a); 33 CFR 27.3	95,881	1.01182	97,014
Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.	46 U.S.C. 70041(d)(1)(B); 33 CFR 27.3	9,639	1.01182	9,753
Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel.	46 U.S.C. 70041(d)(1)(C); 33 CFR 27.3	9,639	1.01182	9,753
Vessel Navigation: Regattas or Marine Parades; Other Persons	46 U.S.C. 70041(d)(1)(D); 33 CFR 27.3	4,819	1.01182	4,876
Port Security	46 U.S.C. 70119(a)	35,486	1.01182	35,905
Port Security—Continuing Violations	46 U.S.C. 70119(b)	63,761	1.01182	64,515
Maritime Drug Law Enforcement	46 U.S.C. 70506(c)	5,883	1.01182	5,953
Hazardous Materials: Related to Vessels	49 U.S.C. 5123(a)(1)	83,439	1.01182	84,425
Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or substantial Damage to Property.	49 U.S.C. 5123(a)(2)	194,691	1.01182	196,992
Hazardous Materials: Related to Vessels; Training	49 U.S.C. 5123(a)(3)	502	1.01182	508

\* Office of Mgmt. and Budget, Exec. Office of the President, M-21-10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

\*\* Enacted under the Tariff Act; exempt from inflation adjustments.

**E. Transportation Security Administration**

The Transportation Security Administration (TSA) is updating its civil penalties regulation in accordance with the 2015 Act. Pursuant to its statutory authority in 49 U.S.C. 46301(a)(1), (4), (5), (6), 49 U.S.C. 46301(d)(2), (8), and 49 U.S.C. 114(u), TSA may impose penalties for violations of statutes that TSA administers, including penalties for

violations of implementing regulations or orders. Note that pursuant to division K, title I, sec. 1904(b)(1)(I), of Public Law 115–254, 132 Stat. 3186, 3545 (Oct. 5, 2018), the TSA Modernization Act—part of the FAA Reauthorization Act of 2018—the former 49 U.S.C. 114(v), which relates to penalties, was re-designated as 49 U.S.C. 114(u).

TSA assesses these penalties for a wide variety of aviation and surface security requirements, including

violations of TSA’s requirements applicable to Transportation Worker Identification Credentials (TWIC),<sup>13</sup> as well as violations of requirements described in chapter 449 of title 49 of the U.S.C. These penalties can apply to a wide variety of situations, as described in the statutory and regulatory provisions, as well as in guidance that TSA publishes. Below is a table showing the 2021 adjustment for the penalties that TSA administers.

**TABLE 5—TRANSPORTATION SECURITY ADMINISTRATION CIVIL PENALTIES ADJUSTMENTS**

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by a person operating an aircraft for the transportation of passengers or property for compensation.	49 U.S.C. 46301(a)(1), (4), (5), (6); 49 U.S.C. 46301(d)(2), (8); 49 CFR 1503.401(c)(3).	\$34,777 (up to a total of \$556,419 per civil penalty action).	1.01182	\$35,188 (up to a total of \$562,996 per civil penalty action).
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by an individual (except an airman serving as an airman), any person not operating an aircraft for the transportation of passengers or property for compensation, or a small business concern.	49 U.S.C. 46301(a)(1), (4), (5); 49 U.S.C. 46301(d)(8); 49 CFR 1503.401(c)(1) and (2).	\$13,910 (up to a total of \$69,553 total for small businesses, \$556,419 for others).	1.01182	\$14,074 (up to a total of \$70,375 for small businesses, \$562,996 for others).
Violation of any other provision of title 49 U.S.C. or of 46 U.S.C. ch. 701, a regulation prescribed, or order issued thereunder.	49 U.S.C. 114(u); 49 CFR 1503.401(b).	\$11,904 (up to a total of \$59,522 total for small businesses, \$476,174 for others)**.	1.01182	\$12,045 (up to a total of \$60,226 total for small businesses, \$481,802 for others).

\* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

\*\* The \$476,174 penalty amount was erroneously listed as \$76,174 in the preamble of the 2020 final rule. It was correctly listed as \$476,174 in the regulatory text of the 2020 final rule. DHS calculated the new penalty amount as adjusted by this final rule based on \$476,174.

**IV. Administrative Procedure Act**

DHS is promulgating this final rule to ensure that the amount of civil penalties that DHS assesses or enforces reflects the statutorily mandated ranges as adjusted for inflation. The 2015 Act provides a clear formula for adjustment of the civil penalties, leaving DHS and its components with little room for discretion. DHS and its components have been charged only with performing ministerial computations to determine the amounts of adjustments for inflation to civil monetary penalties. In these annual adjustments DHS is merely updating the penalty amounts by applying the cost-of-living adjustment multiplier that OMB has provided to agencies. Furthermore, the 2015 Act specifically instructed that agencies make the required annual adjustments notwithstanding section 553 of title 5 of the U.S.C. Thus, as specified in the 2015 Act, the prior public notice-and-

comment procedures and delayed effective date requirements of the Administrative Procedure Act (APA) do not apply to this rule. Further, as described above, this rule makes minor amendments to the regulations to reflect changes required by clear statutory authority, and DHS finds that prior notice and comment procedures and a delayed effective date for these amendments are unnecessary.

**V. Regulatory Analyses**

**A. Executive Orders 12866 and 13563**

Executive Orders 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety

effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

OMB has not designated this final rule a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this rule.

This final rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the 2015 Act and OMB guidance.<sup>14</sup> DHS therefore did not consider alternatives and does not have the flexibility to alter the adjustments of the civil monetary penalty amounts as provided in this rule. To the extent this final rule increases civil monetary penalties, it would result in an increase in transfers from persons or entities

<sup>13</sup> See, e.g., 46 U.S.C. 70105, 49 U.S.C. 46302 and 46303, and 49 U.S.C. chapter 449.

<sup>14</sup> Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act

Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

assessed a civil monetary penalty to the government.

#### B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). See 5 U.S.C. 601–612. The Regulatory Flexibility Act does not apply to this final rule because a notice of proposed rulemaking was not required for the reasons stated above.

#### C. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. This final rule will not result in such an expenditure.

#### D. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule, because this final rule does not trigger any new or revised recordkeeping or reporting.

### VI. Signing Authorities

The amendments to 19 CFR part 4 in this document are issued in accordance with 19 CFR 0.2(a), which provides that the authority of the Secretary of the Treasury with respect to CBP regulations that are not related to customs revenue functions was transferred to the Secretary of Homeland Security pursuant to Section 403(l) of the Homeland Security Act of 2002. Accordingly, this final rule to amend such regulations may be signed by the Secretary of Homeland Security (or his or her delegate).

#### List of Subjects

##### 6 CFR Part 27

Reporting and recordkeeping requirements, Security measures.

##### 8 CFR Part 270

Administrative practice and procedure, Aliens, Employment, Fraud, Penalties.

##### 8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

##### 8 CFR Part 280

Administrative practice and procedure, Immigration, Penalties.

##### 19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

##### 33 CFR Part 27

Administrative practice and procedure, Penalties.

##### 49 CFR Part 1503

Administrative practice and procedure, Investigations, Law enforcement, Penalties.

### Amendments to the Regulations

Accordingly, for the reasons stated in the preamble, DHS is amending 6 CFR part 27, 8 CFR parts 270, 274a, and 280, 19 CFR part 4, 33 CFR part 27, and 49 CFR part 1503 as follows:

#### Title 6—Domestic Security

### PART 27—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

■ 1. The authority citation for part 27 continues to read as follows:

**Authority:** 6 U.S.C. 624; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599; Pub. L. 113–254, 128 Stat. 2898, as amended by Pub. L. 116–150, 134 Stat. 679.

■ 2. In § 27.300, revise paragraph (b)(3) to read as follows:

#### § 27.300 Orders.

\* \* \* \* \*

(b) \* \* \*

(3) Where the Assistant Secretary determines that a facility is in violation of an Order issued pursuant to paragraph (a) of this section and issues an Order Assessing Civil Penalty pursuant to paragraph (b)(1) of this section, a chemical facility is liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues, if the violation of the Order occurred on or before November 2, 2015, or \$35,905 for each day during which the violation of the Order continues, if the violation occurred after November 2, 2015.

\* \* \* \* \*

#### Title 8—Aliens and Nationality

### PART 270—PENALTIES FOR DOCUMENT FRAUD

■ 3. The authority citation for part 270 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, and 1324c; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321 and Pub. L. 114–74, 129 Stat. 599.

■ 4. In § 270.3, revise paragraphs (b)(1)(ii)(A) through (D) to read as follows:

#### § 270.3 Penalties.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(ii) \* \* \*

(A) *First offense under section 274C(a)(1) through (a)(4).* Not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$375 and not exceeding \$3,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act on or after March 27, 2008, and on or before November 2, 2015; and not less than \$487 and not exceeding \$3,901 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(B) *First offense under section 274C(a)(5) or (a)(6).* Not less than \$250 and not exceeding \$2,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act on or after March 27, 2008, and on or before November 2, 2015; and not less than \$412 and not exceeding \$3,289 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

(C) *Subsequent offenses under section 274C(a)(1) through (a)(4).* Not less than \$2,200 and not more than \$5,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$3,200 and not exceeding \$6,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,901 and not more than \$9,753 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(D) *Subsequent offenses under section 274C(a)(5) or (a)(6).* Not less than \$2,000 and not more than \$5,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$2,200 and not exceeding \$5,500 for each fraudulent



document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,289 and not more than \$8,224 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

\* \* \* \* \*

**PART 274a—CONTROL OF EMPLOYMENT OF ALIENS**

■ 5. The authority citation for part 274a continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1105a, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 6. In § 274a.8, revise paragraph (b) to read as follows:

**§ 274a.8 Prohibition of indemnity bonds.**

\* \* \* \* \*

(b) *Penalty.* Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil monetary penalty of \$1,000 for each violation before September 29, 1999, of \$1,100 for each violation occurring on or after September 29, 1999, but on or before November 2, 2015, and of \$2,360 for each violation occurring after November 2, 2015, and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

■ 7. In § 274a.10, revise paragraphs (b)(1)(ii)(A) through (C) and the first sentence of paragraph (b)(2) introductory text to read as follows:

**§ 274a.10 Penalties.**

\* \* \* \* \*

- (b) \* \* \*
- (1) \* \* \*
- (ii) \* \* \*

(A) First offense—not less than \$275 and not more than \$2,200 for each unauthorized alien with respect to whom the offense occurred before March 27, 2008; not less than \$375 and not exceeding \$3,200, for each unauthorized alien with respect to whom the offense occurred occurring on or after March 27, 2008, and on or before November 2, 2015; and not less than \$590 and not more than \$4,722 for each unauthorized alien with respect to whom the offense occurred occurring after November 2, 2015;

(B) Second offense—not less than \$2,200 and not more than \$5,500 for each unauthorized alien with respect to whom the second offense occurred before March 27, 2008; not less than \$3,200 and not more than \$6,500, for each unauthorized alien with respect to whom the second offense occurred on or after March 27, 2008, and on or before November 2, 2015; and not less than \$4,722 and not more than \$11,803 for each unauthorized alien with respect to whom the second offense occurred after November 2, 2015; or

(C) More than two offenses—not less than \$3,300 and not more than \$11,000 for each unauthorized alien with respect to whom the third or subsequent offense occurred before March 27, 2008; not less than \$4,300 and not exceeding \$16,000, for each unauthorized alien with respect to whom the third or subsequent offense occurred on or after March 27, 2008, and on or before November 2, 2015; and not less than \$7,082 and not more than \$23,607 for each unauthorized alien with respect to whom the third or subsequent offense occurred after November 2, 2015; and

\* \* \* \* \*

(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an administrative law judge, to have failed to comply with the employment verification requirements as set forth in § 274a.2(b), shall be subject to a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred before September 29, 1999; not less than \$110 and not more than \$1,100 for each individual with respect to whom such violation occurred on or after September 29, 1999, and on or before November 2, 2015; and not less than \$237 and not more than \$2,360 for each individual with respect to whom such violation occurred after November 2, 2015. \* \* \*

\* \* \* \* \*

**PART 280—IMPOSITION AND COLLECTION OF FINES**

■ 8. The authority citation for part 280 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 9. In § 280.53, revise paragraphs (b)(1) through (15) to read as follows:

**§ 280.53 Civil monetary penalties inflation adjustment.**

\* \* \* \* \*

- (b) \* \* \*

(1) Section 231(g) of the Act, penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States: From \$1,419 to \$1,436.

(2) Section 234 of the Act, penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$3,855 to \$3,901.

(3) Section 240B(d) of the Act, penalties for failure to depart voluntarily: From \$1,625 minimum/\$8,128 maximum to \$1,644 minimum/\$8,224 maximum.

(4) Section 243(c)(1)(A) of the Act, penalties for violations of removal orders relating to aliens transported on vessels or aircraft, under section 241(d) of the Act, or for costs associated with removal under section 241(e) of the Act: From \$3,251 to \$3,289.

(5) Penalties for failure to remove alien stowaways under section 241(d)(2) of the Act: From \$8,128 to \$8,224.

(6) Section 251(d) of the Act, penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the Act: From \$385 to \$390; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$9,639 to \$9,753.

(7) Section 254(a) of the Act, penalties for failure to control, detain, or remove alien crewmen: From \$964 minimum/\$5,783 maximum to \$975 minimum/\$5,851 maximum.

(8) Section 255 of the Act, penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From \$1,928 to \$1,951.

(9) Section 256 of the Act, penalties for discharge of alien crewmen: From \$2,891 minimum/\$5,783 maximum to \$2,925 minimum/\$5,851 maximum.

(10) Section 257 of the Act, penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$19,277 maximum to \$19,505 maximum.

(11) Section 271(a) of the Act, penalties for failure to prevent the unauthorized landing of aliens: From \$5,783 to \$5,851.

(12) Section 272(a) of the Act, penalties for bringing to the United States aliens subject to denial of admission on a health-related ground: From \$5,783 to \$5,851.

(13) Section 273(b) of the Act, penalties for bringing to the United States aliens without required documentation: From \$5,783 to \$5,851.

(14) Section 274D of the Act, penalties for failure to depart: From \$813 maximum to \$823 maximum, for each day the alien is in violation.

(15) Section 275(b) of the Act, penalties for improper entry: From \$81 minimum/\$407 maximum to \$82 minimum/\$412 maximum, for each entry or attempted entry.

**Title 19—Customs Duties**

**PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

■ 10. The authority citation for part 4 continues to read in part as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

\* \* \* \* \*

Sections 4.80, 4.80a, and 4.80b also issued under 19 U.S.C. 1706a; 28 U.S.C. 2461 note; 46 U.S.C. 12112, 12117, 12118, 50501–55106, 55107, 55108, 55110, 55114, 55115, 55116, 55117, 55119, 56101, 55121, 56101, 57109; Pub. L. 108–7, Division B, Title II, § 211;

\* \* \* \* \*

Section 4.92 also issued under 28 U.S.C. 2461 note; 46 U.S.C. 55111;

\* \* \* \* \*

■ 11. In § 4.80, revise paragraphs (b)(2) and (i) to read as follows:

**§ 4.80 Vessels entitled to engage in coastwise trade.**

\* \* \* \* \*

(b) \* \* \*

(2) The penalty imposed for the unlawful transportation of passengers between coastwise points is \$300 for each passenger so transported and landed on or before November 2, 2015, and \$822 for each passenger so transported and landed after November 2, 2015 (46 U.S.C. 55103, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

\* \* \* \* \*

(i) Any vessel, entitled to be documented and not so documented, employed in a trade for which a Certificate of Documentation is issued under the vessel documentation laws (see § 4.0(c)), other than a trade covered by a registry, is liable to a civil penalty of \$500 for each port at which it arrives without the proper Certificate of Documentation on or before November 2, 2015, and \$1,368 for each port at which it arrives without the proper Certificate of Documentation after November 2, 2015 (19 U.S.C. 1706a, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015). If such a vessel has on board any foreign merchandise (sea stores excepted), or any domestic taxable alcoholic beverages, on which the duty and taxes have not been paid or secured to be paid, the vessel and its cargo are subject to seizure and forfeiture.

■ 12. In § 4.92, revise the third sentence to read as follows:

**§ 4.92 Towing.**

\* \* \* The penalties for violation of this section occurring after November 2, 2015, are a fine of from \$957 to \$3,011 against the owner or master of the towing vessel and a further penalty against the towing vessel of \$164 per ton of the towed vessel (46 U.S.C. 55111, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

**Title 33—Navigation and Navigable Waters**

**PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION**

■ 13. The authority citation for part 27 continues to read as follows:

**Authority:** Secs. 1–6, Pub. L. 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104–134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 14. In § 27.3, revise the third sentence of the introductory text and table 1 to read as follows:

**§ 27.3 Penalty adjustment table.**

\* \* \* The adjusted civil penalty amounts listed in Table 1 to this section are applicable for penalty assessments issued after October 18, 2021, with respect to violations occurring after November 2, 2015. \* \* \*

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	2021 Adjusted maximum penalty amount (\$)
14 U.S.C. 521(c)	Saving Life and Property	\$10,967
14 U.S.C. 521(e)	Saving Life and Property; Intentional Interference with Broadcast	1,125
14 U.S.C. 936(i)	Confidentiality of Medical Quality Assurance Records (first offense)	5,508
14 U.S.C. 936(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	36,726
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	8,212
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty	1,916
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge <sup>1</sup>	5,000
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty <sup>1</sup> .	1,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	11,906
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	822
33 U.S.C. 495(b)	Bridges/Failure to Comply with Regulations	30,058
33 U.S.C. 499(c)	Bridges/Drawbridges	30,058
33 U.S.C. 502(c)	Bridges/Failure to Alter Bridge Obstructing Navigation	30,058
33 U.S.C. 533(b)	Bridges/Maintenance and Operation	30,058
33 U.S.C. 1208(a)	Bridge to Bridge Communication; Master, Person in Charge or Pilot	2,190
33 U.S.C. 1208(b)	Bridge to Bridge Communication; Vessel	2,190
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I per violation)	19,505
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I total under paragraph)	48,762
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II per day of violation)	19,505
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II total under paragraph)	243,808
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment	48,762
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	1,951
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	48,762

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2021 Adjusted maximum penalty amount (\$)
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	48,762
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	5,851
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	195,047
33 U.S.C. 1322(j)	Marine Sanitation Devices; Operating	8,212
33 U.S.C. 1322(j)	Marine Sanitation Devices; Sale or Manufacture	21,896
33 U.S.C. 1608(a)	International Navigation Rules; Operator	15,352
33 U.S.C. 1608(b)	International Navigation Rules; Vessel	15,352
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	76,764
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	15,352
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	15,352
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	15,352
33 U.S.C. 2609(a)	Shore Protection; General	54,157
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	21,663
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	48,762
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	44,646
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; related to false statements	59,528
33 U.S.C. 3852(c)	Clean Hulls; Recreational Vessels	5,953
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I)	59,017
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II)	59,017
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	177,053
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	59,017
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	177,053
46 U.S.C. 80509(a)	Safe Containers for International Cargo	6,451
46 U.S.C. 70305(c)	Suspension of Passenger Service	64,515
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	9,753
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	7,939
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	7,181
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	35,905
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	7,939
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent	12,363
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	2,473
46 U.S.C. 3102(c)(1)	Immersion Suits	12,363
46 U.S.C. 3302(i)(5)	Inspection Permit	2,579
46 U.S.C. 3318(a)	Vessel Inspection; General	12,363
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	12,363
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice IAW 3304(b)	2,473
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c)	2,473
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥1600 Gross Tons	24,730
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel <1600 Gross Tons	4,946
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	24,730
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	12,363
46 U.S.C. 3502(e)	List/count of Passengers	257
46 U.S.C. 3504(c)	Notification to Passengers	25,780
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	1,288
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	516
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	64,452
46 U.S.C. 4106	Uninspected Vessels	10,832
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	341,000
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	6,820
46 U.S.C. 4311(c)	Recreational Vessels	2,579
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels	10,832
46 U.S.C. 4703	Abandonment of Barges	1,835
46 U.S.C. 5116(a)	Load Lines	11,803
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	23,607
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	11,803
46 U.S.C. 6103(a)	Reporting Marine Casualties	41,120
46 U.S.C. 6103(b)	Reporting Marine Casualties; Violation of 6104	10,832
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	1,951
46 U.S.C. 8101(f)	Manning of Inspected Vessels	19,505
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	19,505
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	2,579

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2021 Adjusted maximum penalty amount (\$)
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	2,579
46 U.S.C. 8103(f)	Citizenship Requirements	1,288
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	19,505
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	19,505
46 U.S.C. 8302(e)	Staff Department on Vessels	257
46 U.S.C. 8304(d)	Officer's Competency Certificates	257
46 U.S.C. 8502(e)	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	19,505
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	19,505
46 U.S.C. 8503	Federal Pilots	61,820
46 U.S.C. 8701(d)	Merchant Mariners Documents	1,288
46 U.S.C. 8702(e)	Crew Requirements	19,505
46 U.S.C. 8906	Small Vessel Manning	41,120
46 U.S.C. 9308(a)	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	19,505
46 U.S.C. 9308(b)	Pilotage: Great Lakes; Individual	19,505
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	19,505
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	10,366
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1,288
46 U.S.C. 10314(b)	Pay Advances to Seamen; Remuneration for Employment	1,288
46 U.S.C. 10315(c)	Allotment to Seamen	1,288
46 U.S.C. 10321	Seamen Protection; General	8,935
46 U.S.C. 10505(a)(2)	Coastwise Voyages: Advances	8,935
46 U.S.C. 10505(b)	Coastwise Voyages: Advances; Remuneration for Employment	8,935
46 U.S.C. 10508(b)	Coastwise Voyages: Seamen Protection; General	8,935
46 U.S.C. 10711	Effects of Deceased Seamen	516
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1,288
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	257
46 U.S.C. 10907(b)	Permission to Make Complaint	1,288
46 U.S.C. 11101(f)	Accommodations for Seamen	1,288
46 U.S.C. 11102(b)	Medicine Chests on Vessels	1,288
46 U.S.C. 11104(b)	Destitute Seamen	257
46 U.S.C. 11105(c)	Wages on Discharge	1,288
46 U.S.C. 11303(a)	Log Books; Master Failing to Maintain	516
46 U.S.C. 11303(b)	Log Books; Master Failing to Make Entry	516
46 U.S.C. 11303(c)	Log Books; Late Entry	387
46 U.S.C. 11506	Carrying of Sheath Knives	129
46 U.S.C. 12151(a)(1)	Vessel Documentation	16,884
46 U.S.C. 12151(a)(2)	Documentation of Vessels—Related to activities involving mobile offshore drilling units	28,142
46 U.S.C. 12151(c)	Vessel Documentation; Fishery Endorsement	129,032
46 U.S.C. 12309(a)	Numbering of Undocumented Vessels—Willful violation	12,891
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	2,579
46 U.S.C. 12507(b)	Vessel Identification System	21,663
46 U.S.C. 14701	Measurement of Vessels	47,216
46 U.S.C. 14702	Measurement; False Statements	47,216
46 U.S.C. 31309	Commercial Instruments and Maritime Liens	21,663
46 U.S.C. 31330(a)(2)	Commercial Instruments and Maritime Liens; Mortgagor	21,663
46 U.S.C. 31330(b)(2)	Commercial Instruments and Maritime Liens; Violation of 31329	54,157
46 U.S.C. 70036(a)	Ports and Waterways Safety Regulations	97,014
46 U.S.C. 70041(d)(1)(B)	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	9,753
46 U.S.C. 70041(d)(1)(C)	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	9,753
46 U.S.C. 70041(d)(1)(D)	Vessel Navigation: Regattas or Marine Parades; Other Persons	4,876
46 U.S.C. 70119(a)	Port Security	35,905
46 U.S.C. 70119(b)	Port Security—Continuing Violations	64,515
46 U.S.C. 70506	Maritime Drug Law Enforcement; Penalties	5,953
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Maximum Penalty	84,425
49 U.S.C. 5123(a)(2)	Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or Substantial Damage to Property.	196,992
49 U.S.C. 5123(a)(3)	Hazardous Materials: Related to Vessels—Training	508

<sup>1</sup> Enacted under the Tariff Act of 1930 exempt from inflation adjustments.

**Title 49—Transportation****PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES**

■ 15. The authority citation for part 1503 continues to read as follows:

**Authority:** 6 U.S.C. 1142; 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 114, 20109, 31105, 40113–40114, 40119, 44901–44907, 46101–46107, 46109–46110, 46301, 46305, 46311, 46313–46314; Pub. L. 104–134, as amended by Pub. L. 114–74.

■ 16. In § 1503.401, revise paragraphs (b)(1) and (2) and (c)(1), (2), and (3) to read as follows:

**§ 1503.401 Maximum penalty amounts.**

\* \* \* \* \*

(b) \* \* \*

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, \$12,045 per violation, up to a total of \$60,226 per civil penalty action, in the case of an individual or small business concern; and

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person. For violations that occurred after November 2, 2015, \$12,045 per violation, up to a total of \$481,802 per civil penalty action, in the case of any other person.

(c) \* \* \*

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, \$14,074 per violation, up to a total of \$70,375 per civil penalty action, in the case of an individual (except an airman serving as an airman), or a small business concern.

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation. For violations that occurred after November 2, 2015, \$14,074 per violation, up to a total of \$562,996 per civil penalty action, in the case of any other person

(except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation.

(3) For violations that occurred on or before November 2, 2015, \$25,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman). For violations that occurred after November 2, 2015, \$35,188 per violation, up to a total of \$562,996 per civil penalty action, in the case of a person (except an individual serving as an airman) operating an aircraft for the transportation of passengers or property for compensation.

**Jonathan E. Meyer,**

*General Counsel, U.S. Department of Homeland Security.*

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**DEPARTMENT OF AGRICULTURE****Food and Nutrition Service****7 CFR Parts 210, 220 and 226**

[FNS–2011–0029]

RIN 0584–AE18

**CACFP Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010; Technical Amendments**

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Technical amendments.

**SUMMARY:** On October 1, 2021, the requirement to credit grains served in the Child and Adult Care Food Program (CACFP) in “ounce equivalents” was implemented. This action also applied to the crediting of grains served to infants and toddlers in the National School Lunch and School Breakfast Programs. This document corrects the final regulations to align meal pattern tables and corresponding endnotes with regulatory requirements.

**DATES:** Effective October 18, 2021 and applicable on October 1, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Alice McKenney, Branch Chief, Child Nutrition Division, 703–305–2590.

**SUPPLEMENTARY INFORMATION:** This is a summary of technical amendments to CACFP Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of

2010, published April 25, 2016 (81 FR 24347) and Delayed Implementation of Grains Ounce Equivalents in the Child and Adult Care Food Program, published September 25, 2019 (84 FR 50287), which allowed a two-year delay of crediting of grains by ounce equivalents, until October 1, 2021. FNS is making changes to update the infant meal pattern tables and endnotes at 7 CFR 210.10(o), 210.10(q), 220.8(p), and 226.20(c); preschool meal pattern tables and endnotes at 7 CFR 210.10(o), 210.10(p), and 220.8(o); and meal pattern tables, text and endnotes for infants, children and adult participants at 7 CFR 226.20(c). These changes are consistent with regulatory requirements implemented as of October 1, 2021.

**List of Subjects***7 CFR Part 210*

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

*7 CFR Part 220*

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

*7 CFR Part 226*

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, American Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR parts 210, 220, and 226 are amended by making the following technical amendments:

**PART 210—NATIONAL SCHOOL LUNCH PROGRAM**

■ 1. The authority citation for part 210 continues to read as follows:

**Authority:** 42 U.S.C. 1751–1760, 1779.

■ 2. Amend § 210.10 by revising the tables in paragraphs (o)(3)(ii), (o)(4)(ii), (p)(2) and (q)(2) to read as follows:

**§ 210.10 Meal requirements for lunches and requirements for afterschool snacks.**

\* \* \* \* \*

(o) \* \* \*

(3) \* \* \*

(ii) \* \* \*