

airspace is necessary to ensure proper containment of the procedures.

Additionally, this action removes the China Lake (NAVY) TACAN from the Class E5 text header and airspace description. The navigational aid (NAVAID) is not needed to describe the airspace area, and removal of the NAVAID simplifies the airspace description.

Lastly, this action implements numerous administrative updates to Class D and Class E5 text headers and the Class D airspace description. The city name in the first line of the text headers is amended from “China Lake NWC” to “China Lake”, to match the FAA database. The airport name in the second line of the text headers is amended from “China Lake NWC” to “China Lake NAWS (Armitage Field) Airport”, to match the FAA database. The geographic coordinates in the third line of the text headers are updated to “lat. 35°41’09” N, long. 117°41’32” W”, to match the FAA database. The term “Airport/Facility Directory” in the last line of the Class D airspace description is updated to “Chart Supplement.”

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a. This airspace action is not expected to cause any potentially

significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D China Lake, CA [Amended]

China Lake NAWS (Armitage Field) Airport, CA

(Lat. 35°41’09” N, long. 117°41’32” W)

That airspace extending upward from the surface to and including 4,800 feet MSL within a 4.5-mile radius of the airport, and within 1.9 miles each side of the 226° bearing from the airport extending from the 4.5-mile radius to 5.3 miles southwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP CA E5 China Lake, CA [Amended]

China Lake NAWS (Armitage Field) Airport, CA

(Lat. 35°41’09” N, long. 117°41’32” W)

That airspace extending upward from 700 feet above the surface within a 4.5-mile radius of the airport, and within a 7-mile radius of the airport from the 115° bearing from the airport clockwise to the 271° bearing from the airport, and within 2.9 miles each side of the 184° bearing from the airport extending from the 7-mile radius to 9 miles south of the airport.

Issued in Des Moines, Washington, on January 4, 2022.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2022–00279 Filed 1–13–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Office of Workers’ Compensation Programs

20 CFR Parts 702, 725, and 726

Office of the Secretary

29 CFR Part 5

41 CFR Part 50–201

Wage and Hour Division

29 CFR Parts 500, 501, 503, 530, 570, 578, 579, 801, 810, and 825

Occupational Safety and Health Administration

29 CFR Part 1903

Mine Safety and Health Administration

30 CFR Part 100

RIN 1290–AA46

Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2022

AGENCY: Employment and Training Administration, Office of Workers’ Compensation Programs, Office of the Secretary, Wage and Hour Division, Occupational Safety and Health Administration, Employee Benefits Security Administration, and Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: The U.S. Department of Labor (Department) is publishing this final rule to adjust for inflation the civil monetary penalties assessed or enforced by the Department, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act). The Inflation Adjustment Act requires the Department to annually adjust its civil

money penalty levels for inflation no later than January 15 of each year. The Inflation Adjustment Act provides that agencies shall adjust civil monetary penalties notwithstanding Section 553 of the Administrative Procedure Act (APA). Additionally, the Inflation Adjustment Act provides a cost-of-living formula for adjustment of the civil penalties. Accordingly, this final rule sets forth the Department's 2022 annual adjustments for inflation to its civil monetary penalties.

DATES: This final rule is effective on January 15, 2022. As provided by the Inflation Adjustment Act, the increased penalty levels apply to any penalties assessed after January 15, 2022.

FOR FURTHER INFORMATION CONTACT: Erin FitzGerald, Senior Policy Advisor, U.S. Department of Labor, Room S-2312, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693-5076 (this is not a toll-free number). Copies of this final rule may be obtained in alternative formats (large print, Braille, audio tape or disc), upon request, by calling (202) 693-5959 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1-877-889-5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

Preamble Table of Contents

- I. Background
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 - F. Environmental Impact Assessment
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 - H. Executive Order 12630: Constitutionally Protected Property Rights
 - I. Executive Order 12988: Civil Justice Reform Analysis

I. Background

On November 2, 2015, Congress enacted the Federal Civil Penalties

Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, sec. 701 (Inflation Adjustment Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 as previously amended by the 1996 Debt Collection Improvement Act (collectively, the "Prior Inflation Adjustment Act"), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The Inflation Adjustment Act required agencies to (1) adjust the level of civil monetary penalties with an initial "catch-up" adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments for inflation no later than January 15 of each year.

On July 1, 2016, the Department published an IFR that established the initial catch-up adjustment for most civil penalties that the Department administers and requested comments. *See* 81 FR 43430 (DOL IFR). On January 18, 2017, the Department published the final rule establishing the 2017 Annual Adjustment for those civil monetary penalties adjusted in the DOL IFR. *See* 82 FR 5373 (DOL 2017 Annual Adjustment). On July 1, 2016, the U.S. Department of Homeland Security (DHS) and the U.S. Department of Labor (DOL) (collectively, "the Departments") jointly published an IFR that established the initial catch-up adjustment for civil monetary penalties assessed or enforced in connection with the employment of temporary nonimmigrant workers under the H-2B program. *See* 81 FR 42983 (Joint IFR). On March 17, 2017, the Departments jointly published the final rule establishing the 2017 Annual Adjustment for the H-2B civil monetary penalties. *See* 82 FR 14147 (Joint 2017 Annual Adjustment). The Joint 2017 Annual Adjustment also explained that DOL would make future adjustments to the H-2B civil monetary penalties consistent with DOL's delegated authority under 8 U.S.C. 1184(c)(14), Immigration and Nationality Act section 214(c)(14), and the Inflation Adjustment Act. *See* 82 FR 14147-48. On January 2, 2018, the Department published the final rule establishing the 2018 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 83 FR 7 (DOL 2018 Annual Adjustment). On January 23, 2019, the Department published the final rule establishing the 2019 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 84 FR 213 (DOL 2019 Annual Adjustment). On January 15,

2020, the Department published the final rule establishing the 2020 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 85 FR 2292 (DOL 2020 Annual Adjustment). On January 14, 2021, the Department published the final rule establishing the 2021 Annual Adjustment for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. *See* 86 FR 2964 (DOL 2021 Annual Adjustment).

This rule implements the 2022 annual inflation adjustments, as required by the Inflation Adjustment Act, for civil monetary penalties assessed or enforced by the Department, including H-2B civil monetary penalties. The Inflation Adjustment Act provides that the increased penalty levels apply to any penalties assessed after the effective date of the increase. Pursuant to the Inflation Adjustment Act, this final rule is published notwithstanding Section 553 of the APA.

This rule is not significant under Executive Order 12866.

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a 'major rule,' as defined by 5 U.S.C. 804(2).

II. Adjustment for 2022

The Department has undertaken a thorough review of civil penalties administered by its various components pursuant to the Inflation Adjustment Act and in accordance with guidance issued by the Office of Management and Budget.¹

The Department first identified the most recent penalty amount, which (with two exceptions, discussed herein) is the amount established by the 2021 annual adjustment as set forth in the DOL 2021 Annual Adjustment published on January 14, 2021. The Department is also responsible for administering and enforcing a newly-enacted civil monetary penalty regarding retention of tips under the Fair Labor Standards Act (FLSA). *See* Public Law 115-141, section 1201 (2018) enacting \$1,100 civil monetary penalty. In 2018, Congress amended the FLSA to expressly prohibit employers from keeping employee's tips for any purpose, and gave the Department discretion to impose civil monetary penalties of up to \$1,100 on employers that unlawfully keep tips. *See* 29 U.S.C.

¹ M-22-07, Implementation of Penalty Inflation Adjustments for 2022, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2021).

203(m)(2)(B); 216(e)(2). On December 30, 2020, the Department published a final rule that, among other provisions, would have codified this tips retention civil monetary penalty and adjusted the amount of the civil money penalty for inflation pursuant to the Inflation Adjustment Act of 1990 to the amount of \$1,162. *See* Tip Regulations Under the Fair Labor Standards Act (FLSA), 85 FR 86,756 (Final Rule, Dec. 30, 2020) (2020 Tip final rule). The 2020 Tip final rule was initially scheduled to go into effect on March 1, 2021. However, the Department delayed the 2020 Tip final rule's effective date first to April 30, 2021, and then subsequently delayed the effective date of certain portions of the rule until December 31, 2021. On March 25, 2021, the Department proposed to withdraw and repropose two portions of the 2020 Tip final rule, including the portion incorporating the new provisions authorizing the assessment of civil monetary penalties for violations of section 3(m)(2)(B) of the FLSA. *See* Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal, 86 FR 15,817 (proposed March 25, 2021). On September 24, 2021, the Department finalized those proposed regulations, which included an adjustment of the civil monetary amount to \$1,162 pursuant to the Inflation Adjustment Act. *See* Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal, 86 FR 52,973 (Final Rule, Sept. 24, 2021). Those regulations

became effective on November 23, 2021. Accordingly, for purposes of this Inflation Adjustment Act final rule, the most recent penalty amount for the new tips retention civil monetary penalty is \$1,162.

In addition, the Department is responsible for administering and enforcing the high-wage components of the labor value content requirements as set forth in section 202A of the United States-Mexico-Canada Agreement Implementation Act (USMCA), Public Law 116-113, 134 Stat. 11 (2020), codified at 19 U.S.C. 1508, as amended, and 19 U.S.C. 4501 *et seq.* The Department published an Interim Final Rule implementing regulations necessary to administer these requirements, which became effective on July 1, 2020. *See* High-Wage Components of the Labor Value Content Requirements Under the United States-Mexico-Canada Agreement Implementation Act, 85 FR 39,782 (Interim Final Rule, July 1, 2020) (codified at 29 CFR part 810) (2020 USMCA IFR). Among other provisions, pursuant to the Secretary's authority under 19 U.S.C. 4532(e)(5), the 2020 USMCA IFR established a civil monetary penalty at 29 CFR 810.800(c)(3)(i) of up to \$50,000 per violation of the rule's whistleblower protections. The Department was not required to adjust this civil monetary penalty in its 2021 Inflation Adjustment Act rule because this penalty was established within the 12 months preceding the 2021 inflation adjustment.

See Inflation Adjustment Act, § 4(d), 28 U.S.C. 2461 note, § 4(d). Accordingly, for purposes of this Inflation Adjustment Act final rule, the most recent maximum penalty amount for the new USMCA civil monetary penalty is \$50,000.

The Department is required to calculate the annual adjustment based on the Consumer Price Index for all Urban Consumers (CPI-U). Annual inflation adjustments are based on the percent change between the October CPI-U preceding the date of the adjustment, and the prior year's October CPI-U; in this case, the percent change between the October 2021 CPI-U and the October 2020 CPI-U. The cost-of-living adjustment multiplier for 2022, based on the Consumer Price Index (CPI-U) for the month of October 2021, not seasonally adjusted, is 1.06222.² In order to compute the 2022 annual adjustment, the Department multiplied the most recent penalty amount for each applicable penalty by the multiplier, 1.06222, and rounded to the nearest dollar.

As provided by the Inflation Adjustment Act, the increased penalty levels apply to any penalties assessed after the effective date of this rule.³ Accordingly, for penalties assessed after January 15, 2022, whose associated violations occurred after November 2, 2015, the higher penalty amounts outlined in this rule will apply. The tables below demonstrate the penalty amounts that apply:

CIVIL MONETARY PENALTIES FOR VIOLATIONS OF SECTION 3(m)(2)(B) OF THE FLSA (TIPS)

Violations occurring	Penalty assessed	Which penalty level applies
After March 23, 2018	After March 23, 2018 but on or before November 23, 2021	CAA amount (\$1,100).
After March 23, 2018	After November 23, 2021 but on or before January 15, 2022	November 23, 2021 level (\$1,162).
After March 23, 2018	After January 15, 2022	January 15, 2022 levels.

CIVIL MONETARY PENALTIES FOR USMCA VIOLATIONS

Violations occurring	Penalty assessed	Which penalty level applies
After July 1, 2020	After July 1, 2020 but on or before January 15, 2022	2020 USMCA IFR amount (\$50,000).
After July 1, 2020	After January 15, 2022	January 15, 2022 levels (\$53,111).

CIVIL MONETARY PENALTIES FOR THE H-2B TEMPORARY NON-AGRICULTURAL WORKER PROGRAM

Violations occurring	Penalty assessed	Which penalty level applies
On or before November 2, 2015	On or before August 1, 2016	Pre-August 1, 2016 levels.
On or before November 2, 2015	After August 1, 2016	Pre-August 1, 2016 levels.
After November 2, 2015	After August 1, 2016, but on or before March 17, 2017	August 1, 2016 levels.
After November 2, 2015	After March 17, 2017, but on or before January 2, 2018	March 17, 2017 levels.
After November 2, 2015	After January 2, 2018, but on or before January 23, 2019	January 2, 2018 levels.
After November 2, 2015	After January 23, 2019, but on or before January 15, 2020	January 23, 2019 levels.
After November 2, 2015	After January 15, 2020, but on or before January 15, 2021	January 15, 2020 levels.

² OMB provided the year-over-year multiplier, rounded to 5 decimal points. *Id.* at 1.

³ Appendix 1 consists of a table that provides ready access to key information about each penalty.

CIVIL MONETARY PENALTIES FOR THE H-2B TEMPORARY NON-AGRICULTURAL WORKER PROGRAM—Continued

Violations occurring	Penalty assessed	Which penalty level applies
After November 2, 2015	After January 15, 2021, but on or before January 15, 2022	January 15, 2021 levels.
After November 2, 2015	After January 15, 2022	January 15, 2022 levels.

CIVIL MONETARY PENALTIES FOR OTHER DOL PROGRAMS

Violations occurring	Penalty assessed	Which penalty level applies
On or before November 2, 2015	On or before August 1, 2016	Pre-August 1, 2016 levels.
On or before November 2, 2015	After August 1, 2016	Pre-August 1, 2016 levels.
After November 2, 2015	After August 1, 2016, but on or before January 13, 2017	August 1, 2016 levels.
After November 2, 2015	After January 13, 2017, but on or before January 2, 2018	January 13, 2017 levels.
After November 2, 2015	After January 2, 2018, but on or before January 23, 2019	January 2, 2018 levels.
After November 2, 2015	After January 23, 2019, but on or before January 15, 2020	January 23, 2019 levels.
After November 2, 2015	After January 15, 2020, but on or before January 15, 2021	January 15, 2020 levels.
After November 2, 2015	After January 15, 2021, but on or before January 15, 2022	January 15, 2021 levels.
After November 2, 2015	After January 15, 2022	January 15, 2022 levels.

III. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the Department consider the impact of paperwork and other information collection burdens imposed on the public. The Department has determined that this final rule does not require any collection of information.

IV. Administrative Procedure Act

The Inflation Adjustment Act provides that agencies shall annually adjust civil monetary penalties for inflation notwithstanding section 553 of the APA. Additionally, the Inflation Adjustment Act provides a nondiscretionary cost-of-living formula for annual adjustment of the civil monetary penalties. For these reasons, the requirements in sections 553(b), (c), and (d) of the APA, relating to notice and comment and requiring that a rule be effective 30 days after publication in the **Federal Register**, are inapplicable.

V. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of significant regulatory actions. Under the Executive Order, a “significant regulatory action” is one meeting any of a number of specified conditions, including the following: Having an annual effect on the economy of \$100 million or more; creating a serious inconsistency or interfering with an action of another agency; materially altering the budgetary impact of entitlements or the rights of entitlement recipients; or raising novel legal or policy issues.

The Department has determined that this final rule is not a “significant”

regulatory action and a cost-benefit and economic analysis is not required. This regulation merely adjusts civil monetary penalties in accordance with inflation as required by the Inflation Adjustment Act, and has no impact on disclosure or compliance costs. The benefit provided by the inflationary adjustment to the maximum civil monetary penalties is that of maintaining the incentive for the regulated community to comply with the laws enforced by the Department, and not allowing the incentive to be diminished by inflation.

Executive Order 13563 directs agencies to assess all 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, reducing costs, harmonizing rules, and promoting flexibility to minimize burden.

The Inflation Adjustment Act directed the Department to issue the annual adjustments without regard to section 553 of the APA. In that context, Congress has already determined that any possible increase in costs is justified by the overall benefits of such adjustments. This final rule makes only the statutory changes outlined herein; thus there are no alternatives or further analysis required by Executive Order 13563.

VI. Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), imposes certain requirements on Federal agency

rules that are subject to the notice and comment requirements of the APA, 5 U.S.C. 553(b). This final rule is exempt from the requirements of the APA because the Inflation Adjustment Act directed the Department to issue the annual adjustments without regard to section 553 of the APA. Therefore, the requirements of the RFA applicable to notices of proposed rulemaking, 5 U.S.C. 603, do not apply to this rule. Accordingly, the Department is not required to either certify that the final rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

VII. Other Regulatory Considerations

A. The Unfunded Mandates Reform Act of 1995

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. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

B. Executive Order 13132: Federalism

Section 18 of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 667) requires Occupational Safety and Health Administration (OSHA)-approved State Plans to have standards and an enforcement program that are at least as effective as Federal OSHA’s standards and enforcement

program. OSHA-approved State Plans must have maximum and minimum penalty levels that are at least as effective as Federal OSHA's, per section 18(c)(2) of the OSH Act. *See also* 29 CFR 1902.4(c)(2)(xi); 1902.37(b)(12). State Plans are required to increase their penalties in alignment with OSHA's penalty increases to maintain at least as effective penalty levels.

State Plans are not required to impose monetary penalties on state and local government employers. *See* § 1956.11(c)(2)(x). Five (5) states and one territory have State Plans that cover only state and local government employees: Connecticut, Illinois, Maine, New Jersey, New York, and the Virgin Islands. Therefore, the requirements to increase the penalty levels do not apply to these State Plans. Twenty-one states and one U.S. territory have State Plans that cover both private sector employees and state and local government employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. They must increase their penalties for private-sector employers.

Other than as listed above, this final rule does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Accordingly, Executive Order 13132, Federalism, requires no further agency action or analysis.

C. Executive Order 13175: Indian Tribal Governments

This final rule does not have "tribal implications" because it does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Accordingly, Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires no further agency action or analysis.

List of Subjects

20 CFR Part 655

Immigration, Labor, Penalties.

20 CFR Part 702

Administrative practice and procedure, Longshore and harbor

workers, Penalties, Reporting and recordkeeping requirements, Workers' compensation.

20 CFR Part 725

Administrative practice and procedure, Black lung benefits, Coal miners, Penalties, Reporting and recordkeeping requirements.

20 CFR Part 726

Administrative practice and procedure, Black lung benefits, Coal miners, Mines, Penalties.

29 CFR Part 5

Administrative practice and procedure, Construction industry, Employee benefit plans, Government contracts, Law enforcement, Minimum wages, Penalties, Reporting and recordkeeping requirements.

29 CFR Part 500

Administrative practice and procedure, Aliens, Housing, Insurance, Intergovernmental relations, Investigations, Migrant labor, Motor vehicle safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements, Wages, Whistleblowing.

29 CFR Part 501

Administrative practice and procedure, Agriculture, Aliens, Employment, Housing, Housing standards, Immigration, Labor, Migrant labor, Penalties, Transportation, Wages.

29 CFR Part 503

Administrative practice and procedure, Aliens, Employment, Housing, Immigration, Labor, Penalties, Transportation, Wages.

29 CFR Part 530

Administrative practice and procedure, Clothing, Homeworkers, Indians-arts and crafts, Penalties, Reporting and recordkeeping requirements, Surety bonds, Watches and jewelry.

29 CFR Part 570

Child labor, Law enforcement, Penalties.

29 CFR Part 578

Penalties, Wages.

29 CFR Part 579

Child labor, Penalties.

29 CFR Part 801

Administrative practice and procedure, Employment, Lie detector tests, Penalties, Reporting and recordkeeping requirements.

29 CFR Part 810

Labor, Wages, Hours of work, Trade agreement, Motor vehicle, Tariffs, Imports, Whistleblowing.

29 CFR Part 825

Administrative practice and procedure, Airmen, Employee benefit plans, Health, Health insurance, Labor management relations, Maternal and child health, Penalties, Reporting and recordkeeping requirements, Teachers.

29 CFR Part 1903

Intergovernmental relations, Law enforcement, Occupational Safety and Health, Penalties.

30 CFR Part 100

Mine safety and health, Penalties.

41 CFR Part 50–201

Child labor, Government procurement, Minimum wages, Occupational safety and health, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 20 CFR chapters VI and VII, 29 CFR subtitle A and chapters V, XVII, and XXV, 30 CFR chapter I, and 41 CFR chapter 50 are amended as follows.

DEPARTMENT OF LABOR

Employment and Training Administration

Title 20—Employees' Benefits

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

■ 1. The authority citation for part 655 continues to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n), and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; sec. 412(e), Pub. L. 105–277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107–296, 116 Stat. 2135, as amended; Pub. L. 109–423, 120 Stat. 2900; 8 CFR 214.2(h)(4)(i); and 8 CFR 214.2(h)(6)(iii); and sec. 6, Pub. L. 115–128, 132 Stat. 1547 (48 U.S.C. 1806).

Subpart A issued under 8 CFR 214.2(h).

Subpart B issued under 8 U.S.C.

1101(a)(15)(H)(ii)(a), 1184(c), and 1188; and 8 CFR 214.2(h).

Subpart E issued under 48 U.S.C. 1806.

Subparts F and G issued under 8 U.S.C. 1288(c) and (d); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; and 28 U.S.C. 2461 note, Pub. L. 114–74 at section 701.

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b) and (b)(1), 1182(n), and (t), and 1184(g) and (j); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 412(e), Pub. L. 105–277, 112 Stat. 2681; 8 CFR 214.2(h); and 28 U.S.C. 2461 note, Pub. L. 114–74 at section 701.

Subparts L and M issued under 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m); sec. 2(d),

Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); Pub. L. 109–423, 120 Stat. 2900; and 8 CFR 214.2(h).

§§ 655.620, 655.801, and 655.810 [Amended]

■ 2. In the following table, for each paragraph indicated in the left column,

remove the dollar amount indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount indicated in the right column.

Paragraph	Remove	Add
§ 655.620(a)	\$9,753	\$10,360
§ 655.801(b)	7,939	8,433
§ 655.810(b)(1) introductory text	1,951	2,072
§ 655.810(b)(2) introductory text	7,939	8,433
§ 655.810(b)(3) introductory text	55,570	59,028

**DEPARTMENT OF LABOR
Office of Workers' Compensation Programs**

PART 702—ADMINISTRATION AND PROCEDURE

■ 3. The authority citation for part 702 continues to read as follows:

Authority: 5 U.S.C. 301, and 8171 *et seq.*; 33 U.S.C. 901 *et seq.*; 42 U.S.C. 1651 *et seq.*; 43 U.S.C. 1333; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at sec. 701; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; Secretary's Order 10–2009, 74 FR 58834.

§§ 702.204, 702.236, and 702.271 [Amended]

■ 4. In the following table, for each paragraph indicated in the left column, remove the dollar amount or date indicated in the middle column from wherever it appears in the section or paragraph and add in its place the dollar amount or date indicated in the right column.

Section/paragraph	Remove	Add
§ 702.204	\$24,730	\$26,269.
§ 702.204	January 15, 2021	January 15, 2022.
§ 702.236	\$301	\$320.
§ 702.236	January 15, 2021	January 15, 2022.
§ 702.271(a)(2)	January 15, 2021	January 15, 2022.
§ 702.271(a)(2)	\$2,473	\$2,627.
§ 702.271(a)(2)	\$12,363	\$13,132.

PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

■ 5. The authority citation for part 725 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at sec. 701; Reorganization Plan No. 6 of 1950, 15 FR 3174; 30 U.S.C. 901 *et seq.*, 902(f), 921, 932, 936; 33 U.S.C. 901 *et seq.*; 42 U.S.C. 405; Secretary's Order 10–2009, 74 FR 58834.

§ 725.621 [Amended]

■ 6. In § 725.621, amend paragraph (d) by removing “January 15, 2021” and adding in its place “January 15, 2022” and by removing “\$1,506” and adding in its place “\$1,600”.

PART 726—BLACK LUNG BENEFITS; REQUIREMENTS FOR COAL MINE OPERATOR'S INSURANCE

■ 7. The authority citation for part 726 continues to read as follows:

Authority: 5 U.S.C. 301; 30 U.S.C. 901 *et seq.*, 902(f), 925, 932, 933, 934, 936; 33 U.S.C.

901 *et seq.*; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at sec. 701; Reorganization Plan No. 6 of 1950, 15 FR 3174; Secretary's Order 10–2009, 74 FR 58834.

§ 726.302 [Amended]

■ 8. In the following table, for each paragraph indicated in the left column, remove the dollar amount or date indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount or date indicated in the right column.

Paragraph	Remove	Add
§ 726.302(c)(2)(i) table Introductory text	January 15, 2021	January 15, 2022.
§ 726.302(c)(2)(i) table	\$148	\$157.
§ 726.302(c)(2)(i) table	293	\$311.
§ 726.302(c)(2)(i) table	441	\$468.
§ 726.302(c)(2)(i) table	586	\$622.
§ 726.302(c)(4)	January 15, 2021	January 15, 2022.
§ 726.302(c)(4)	\$148	\$157.
§ 726.302(c)(5)	January 15, 2021	January 15, 2022.
§ 726.302(c)(5)	\$441	\$468.
§ 726.302(c)(6)	January 15, 2021	January 15, 2022.
§ 726.302(c)(6)	\$3,011	\$3,198.

DEPARTMENT OF LABOR

Wage and Hour Division

Title 29—Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

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

Authority: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. appendix; 40 U.S.C. 3141 *et seq.*; 40 U.S.C. 3145; 40 U.S.C. 3148; 40 U.S.C. 3701 *et seq.*; and the laws listed in 5.1(a) of this part; Secretary’s Order No. 01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701, 129 Stat 584.

§ 5.5 [Amended]

■ 10. In § 5.5, amend paragraph (b)(2) by removing “\$27” and adding in its place “\$29”.

§ 5.8 [Amended]

■ 11. In § 5.8, amend paragraph (a) by removing “\$27” and adding in its place “\$29”.

PART 500—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

■ 12. The authority citation for part 500 continues to read as follows:

Authority: Pub. L. 97–470, 96 Stat. 2583 (29 U.S.C. 1801–1872); Secretary’s Order No. 01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114–74, 129 Stat 584.

§ 500.1 [Amended]

■ 13. In § 500.1, amend paragraph (e) by removing “\$2,579” and adding in its place “\$2,739”.

PART 501—ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 218 OF THE IMMIGRATION AND NATIONALITY ACT

■ 14. The authority citation for part 501 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114–74 at § 701.

§ 501.19 [Amended]

■ 15. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount indicated in the right column.

Paragraph	Remove	Add
§ 501.19(c) introductory text	\$1,787	\$1,898
§ 501.19(c)(1)	6,012	6,386
§ 501.19(c)(2)	59,528	63,232
§ 501.19(c)(4)	119,055	126,463
§ 501.19(d)	6,012	6,386
§ 501.19(e)	17,859	18,970
§ 501.19(f)	17,859	18,970

PART 503—ENFORCEMENT OF OBLIGATIONS FOR TEMPORARY NONIMMIGRANT NON-AGRICULTURAL WORKERS DESCRIBED IN THE IMMIGRATION AND NATIONALITY ACT

■ 16. The authority citation for part 503 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(H)(ii)(b); 8 U.S.C. 1184; 8 CFR 214.2(h); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701.

§ 503.23 [Amended]

■ 17. In the following table, for each paragraph indicated in the left column,

remove the dollar amount indicated in the middle column from wherever it appears in the paragraph, and add in its place the dollar amount indicated in the right column:

Paragraph	Remove	Add
§ 503.23(b)	\$13,072	\$13,885
§ 503.23(c)	13,072	13,885
§ 503.23(d)	13,072	13,885

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

■ 18. The authority citation for part 530 continues to read as follows:

Authority: Sec. 11, 52 Stat. 1066 (29 U.S.C. 211) as amended by sec. 9, 63 Stat. 910 (29 U.S.C. 211(d)); Secretary’s Order No.

01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701, 129 Stat 584.

■ 19. In § 530.302:

■ a. Amend paragraph (a) by removing “\$1,084” and adding in its place “\$1,151;” and

■ b. Revising paragraph (b). The revision reads as follows:

§ 530.302 Amounts of civil penalties.

* * * * *

(b) The amount of civil money penalties shall be determined per affected homeworker within the limits set forth in the following schedule, except that no penalty shall be assessed in the case of violations which are deemed to be *de minimis* in nature:

TABLE 1 TO PARAGRAPH (b)

Nature of violation	Penalty per affected homeworker		
	Minor	Substantial	Repeated, intentional or knowing
Recordkeeping	\$22–231	\$231–460	\$460–1,151
Monetary violations	22–231	231–460	.....
Employment of homeworkers without a certificate .....	.....	231–460	460–1,151
Other violations of statutes, regulations or employer assurances	22–231	231–460	460–1,151

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart G—General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended

■ 20. The authority citation for subpart G of part 570 continues to read as follows:

Authority: 52 Stat. 1060–1069, as amended; 29 U.S.C. 201–219; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701.

§ 570.140 [Amended]

■ 21. In § 570.140, amend paragraph (b)(1) by removing “\$13,227” and adding in its place “\$14,050” and paragraph (b)(2) by removing “\$60,115” and adding in its place “\$63,855”.

PART 578—TIP RETENTION, MINIMUM WAGE, AND OVERTIME VIOLATIONS—CIVIL MONEY PENALTIES

■ 22. The authority citation for part 578 continues to read as follows:

Authority: 29 U.S.C. 216(e), as amended by sec. 9, Pub. L. 101–157, 103 Stat. 938, sec. 3103, Pub. L. 101–508, 104 Stat. 1388–29, sec. 302(a), Pub. L. 110–233, 122 Stat. 920, and sec. 1201, Div. S., Tit. XII, Pub. L. 115–141, 132 Stat. 348; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note), as amended by sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–358, 1321–373, and sec. 701, Pub. L. 114–74, 129 Stat. 584.

§ 578.3 [Amended]

■ 23. In § 578.3, amend paragraph (a)(1) by removing “\$1,162” and adding in its place “\$1,234”.

■ 24. In § 578.3, amend paragraph (a)(2) by removing “\$2,074” and adding in its place “\$2,203”.

PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES

■ 24. The authority citation for part 579 continues to read as follows:

Authority: 29 U.S.C. 203(m), (l), 211, 212, 213(c), 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor’s Order No. 01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 Note.

§ 579.1 [Amended]

■ 25. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount indicated in the right column.

Paragraph	Remove	Add
§ 579.1(a)(1)(i)(A)	\$13,227	\$14,050
§ 579.1(a)(1)(i)(B)	60,115	63,855
§ 579.1(a)(2)(i)	2,074	2,203
§ 579.1(a)(2)(ii)	1,162	1,234

PART 801—APPLICATION OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

■ 26. The authority citation for part 801 continues to read as follows:

Authority: Pub. L. 100–347, 102 Stat. 646, 29 U.S.C. 2001–2009; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701, 129 Stat. 584.

§ 801.42 [Amended]

■ 27. In § 801.42, amend paragraph (a) introductory text by removing “\$21,663” and adding in its place “\$23,011”.

PART 810—HIGH-WAGE COMPONENTS OF THE LABOR VALUE CONTENT REQUIREMENTS UNDER THE UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT

■ 28. The authority citation for part 810 is revised to read as follows:

Authority: 19 U.S.C. 1508(b)(4) & 19 U.S.C. 4535(b); 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114–74 at § 701.

§ 810.800 [Amended]

■ 29. In § 810.800, amend paragraph (c)(3)(i) by removing “\$50,000” and adding in its place “\$53,111”.

PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993

■ 30. The authority citation for part 825 continues to read as follows:

Authority: 29 U.S.C. 2654; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114–74 at § 701.

§ 825.300 [Amended]

■ 31. In § 825.300, amend paragraph (a)(1) by removing “\$178” and adding in its place “\$189”.

DEPARTMENT OF LABOR
Occupational Safety and Health Administration
Title 29—Labor

Authority: Secs. 8 and 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658); 5 U.S.C. 553; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Section 701, Pub. L. 114–74; Secretary of Labor’s Order No. 1–2012 (77 FR 3912, Jan. 25, 2012).

remove the dollar amount or date indicated in the middle column from wherever it appears in the paragraph and add in its place the dollar amount or date indicated in the right column.

PART 1903—INSPECTIONS, CITATIONS, AND PROPOSED PENALTIES

§ 1903.15 [Amended]

■ 32. The authority citation for part 1903 continues to read as follows:

■ 33. In the following table, for each paragraph indicated in the left column,

Table with 3 columns: Paragraph, Remove, Add. Lists various sections of 1903.15(d) and their corresponding removal and addition dates and amounts.

DEPARTMENT OF LABOR
Mine Safety and Health Administration
Title 30—Mineral Resources

TABLE 14 TO PARAGRAPH (g)—PENALTY CONVERSION TABLE—Continued

TABLE 14 TO PARAGRAPH (g)—PENALTY CONVERSION TABLE—Continued

PART 100—CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF CIVIL PENALTIES

■ 34. The authority citation for part 100 continues to read as follows:

Authority: 5 U.S.C. 301; 30 U.S.C. 815, 820, 957; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701.

■ 35. In § 100.3, amend paragraph (a)(1) introductory text by removing “\$74,775” and adding in its place “\$79,428” and by removing the table in paragraph (g) and adding Table 14 to paragraph (g) to read as follows:

§ 100.3 Determination of penalty amount; regular assessment.

* * * * *
(g) * * *

TABLE 14 TO PARAGRAPH (g)—PENALTY CONVERSION TABLE

Table with 2 columns: Points, Penalty (\$). Lists penalty amounts for various point ranges from 60 or fewer to 72.

Table with 2 columns: Points, Penalty (\$). Continuation of Table 14, listing points from 73 to 113 and corresponding penalties.

Table with 2 columns: Points, Penalty (\$). Continuation of Table 14, listing points from 114 to 140 or more and corresponding penalties.

§§ 100.4 and 100.5 [Amended]

■ 36. In the following table, for each paragraph indicated in the left column, remove the dollar amount indicated in the middle column from wherever it appears in the paragraph, and add in its place the dollar amount indicated in the right column.

Paragraph	Remove	Add
§ 100.4(a)	\$2,493	\$2,648
§ 100.4(b)	4,983	5,293
§ 100.4(c) introductory text	6,232	6,620
§ 100.4(c) introductory text	74,775	79,428
§ 100.5(c)	8,101	8,605
§ 100.5(d)	342	363
§ 100.5(e)	274,175	291,234

Title 41—Public Contracts and Property Management

PART 50—201—GENERAL REGULATIONS

■ 37. The authority citation for part 50–201 continues to read as follows:

Authority: Sec. 4, 49 Stat. 2038; 41 U.S.C. 38. Interpret or apply sec. 6, 49 Stat. 2038,

as amended; 41 U.S.C. 40; 108 Stat. 7201; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); Pub. L. 114–74 at § 701, 129 Stat 584.

§ 50–201.3 [Amended]

■ 38. In § 50–201.3, amend paragraph (e) by removing “\$27” and adding in its place “\$29”.

Signed in Washington, DC.

Martin J. Walsh,

Secretary, U.S. Department of Labor.

Note: The following Appendix will not appear in the Code of Federal Regulations.

Agency	Law	Name description	CFR citation	2021		2022	
				Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)	Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)
MSHA	Federal Mine Safety & Health Act of 1977.	Regular Assessment	30 CFR 100.3(a)		\$74,775		\$79,428.
MSHA	Federal Mine Safety & Health Act of 1977.	Penalty Conversion Table	30 CFR 100.3(g)	\$139	\$74,775	\$148	\$79,428.
MSHA	Federal Mine Safety & Health Act of 1977.	Minimum Penalty for any order issued under 104(d)(1) of the Mine Act.	30 CFR 100.4(a)	2,493		2,648	
MSHA	Federal Mine Safety & Health Act of 1977.	Minimum penalty for any order issued under 104(d)(2) of the Mine Act.	30 CFR 100.4(b)	4,983		5,293	
MSHA	Federal Mine Safety & Health Act of 1977.	Penalty for failure to provide timely notification under 103(j) of the Mine Act.	39 CFR 100.4(c)	6,232	\$74,775	6,620	\$79,428.
MSHA	Federal Mine Safety & Health Act of 1977.	Any operator who fails to correct a violation for which a citation or order was issued under 104(a) of the Mine Act.	30 CFR 100.5(c)		\$8,101		\$8,605.
MSHA	Federal Mine Safety & Health Act of 1977.	Violation of mandatory safety standards related to smoking standards.	30 CFR 100.5(d)		\$342		\$363.
MSHA	Federal Mine Safety & Health Act of 1977.	Flagrant violations under 110(b)(2) of the Mine Act.	30 CFR 100.5(e)		\$274,175		\$291,234.
EBSA	Employee Retirement Income Security Act.	Section 209(b): Per plan year for failure to furnish reports (e.g., pension benefit statements) to certain former employees or maintain employee records each employee a separate violation.	29 CFR 2575.1–3		\$31		\$33.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(2)—Per day for failure/refusal to properly file plan annual report.	29 CFR 2575.1–3		\$2,259		\$2,400.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(4)—Per day for failure to disclose certain documents upon request under ERISA 101(k) and (l); failure to furnish notices under 101(j) and 514(e)(3)—each statutory recipient a separate violation.	29 CFR 2575.1–3		\$1,788		\$1,899.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(5)—Per day for each failure to file annual report for Multiple Employer Welfare Arrangements (MEWAs) under 101(g).	29 CFR 2575.1–3		\$1,644		\$1,746.

Agency	Law	Name description	CFR citation	2021		2022	
				Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)	Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)
EBSA	Employee Retirement Income Security Act.	Section 502(c)(6)—Per day for each failure to provide Secretary of Labor requested documentation not to exceed a per-request maximum.	29 CFR 2575.1-3		\$161 per day, not to exceed \$1,613 per request.		\$171 per day, not to exceed \$1,713 per request.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(7)—Per day for each failure to provide notices of blackout periods and of right to divest employer securities— each statutory recipient a separate violation.	29 CFR 2575.1-3		\$143		\$152.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(8)—Per each failure by an endangered status multiemployer plan to adopt a funding improvement plan or meet benchmarks; or failure of a critical status multiemployer plan to adopt a rehabilitation plan.	29 CFR 2575.1-3		\$1,419		\$1,507.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(9)(A)—Per day for each failure by an employer to inform employees of CHIP coverage opportunities under Section 701(f)(3)(B)(i)(I)— each employee a separate violation.	29 CFR 2575.1-3		\$120		\$127.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(9)(B)—Per day for each failure by a plan to timely provide to any State information required to be disclosed under Section 701(f)(3)(B)(ii), as added by CHIP regarding coverage coordination—each participant/beneficiary a separate violation.	29 CFR 2575.1-3		\$120		\$127.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(10)—Failure by any plan sponsor of group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, to meet the requirements of Sections 702(a)(1)(F), (b)(3), (c) or (d); or Section 701; or Section 702(b)(1) with respect to genetic information— daily per participant and beneficiary during non-compliance period.	29 CFR 2575.1-3		\$120		\$127.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(10)—uncorrected de minimis violation.	29 CFR 2575.1-3	3,005		3,192	
EBSA	Employee Retirement Income Security Act.	Section 502(c)(10)—uncorrected violations that are not de minimis.	29 CFR 2575.1-3	18,035		19,157	
EBSA	Employee Retirement Income Security Act.	Section 502(c)(10)—unintentional failure maximum cap.	29 CFR 2575.1-3		\$601,152		\$638,556.
EBSA	Employee Retirement Income Security Act.	Section 502(c)(12)—Per day for each failure of a CSEC plan in restoration status to adopt a restoration plan.	29 CFR 2575.1-3		\$110		\$117.
EBSA	Employee Retirement Income Security Act.	Section 502(m)—Failure of fiduciary to make a proper distribution from a defined benefit plan under section 206(e) of ERISA.	29 CFR 2575.1-3		\$17,416		\$18,500.
EBSA	Employee Retirement Income Security Act.	Failure to provide Summary of Benefits Coverage under PHS Act section 2715(f), as incorporated in ERISA section 715 and 29 CFR 2590.715-2715(e).	29 CFR 2575.1-3		\$1,190		\$1,264.
OSHA	Occupational Safety and Health Act.	Serious Violation	29 CFR 1903.15(d)(3).		\$13,653		\$14,502.
OSHA	Occupational Safety and Health Act.	Other-Than-Serious	29 CFR 1903.15(d)(4).		\$13,653		\$14,502.
OSHA	Occupational Safety and Health Act.	Willful	29 CFR 1903.15(d)(1).	9,753	\$136,532	10,360	\$145,027.
OSHA	Occupational Safety and Health Act.	Repeated	29 CFR 1903.15(d)(2).		\$136,532		\$145,027.
OSHA	Occupational Safety and Health Act.	Posting Requirement	29 CFR 1903.15(d)(6).		\$13,653		\$14,502.
OSHA	Occupational Safety and Health Act.	Failure to Abate	29 CFR 1903.15(d)(5).		\$13,653 per day.		\$14,502 per day.
WHD	Family and Medical Leave Act.	FMLA	29 CFR 825.300(a)(1).		\$178		\$189.

Agency	Law	Name description	CFR citation	2021		2022	
				Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)	Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)
WHD	Fair Labor Standards Act.	FLSA	29 CFR 578.3(a)(1)		\$1,162		\$1,234.
WHD	Fair Labor Standards Act.	FLSA	29 CFR 578.3(a)(2)		\$2,074		\$2,203.
WHD	Fair Labor Standards Act.	Child Labor	29 CFR 579.1(a)(2)(i).		\$2,074		\$2,203.
WHD	Fair Labor Standards Act.	Child Labor	29 CFR 579.1(a)(2)(ii).		\$1,162		\$1,234.
WHD	Fair Labor Standards Act.	Child Labor	29 CFR 570.140(b)(1).		\$13,227		\$14,050.
WHD	Fair Labor Standards Act.	Child Labor	29 CFR 579.1(a)(1)(i)(A).		\$13,227		\$14,050.
WHD	Fair Labor Standards Act.	Child Labor that causes serious injury or death.	29 CFR 570.140(b)(2).		\$60,115		\$63,855.
WHD	Fair Labor Standards Act.	Child Labor that causes serious injury or death.	29 CFR 579.1(a)(1)(i)(B).		\$60,115		\$63,855.
WHD	Fair Labor Standards Act.	Child Labor willful or repeated that causes serious injury or death (penalty amount doubled).	29 CFR 570.140(b)(2); 29 CFR 579.1(a)(1)(i)(B) Doubled.		\$120,230		\$127,710.
WHD	Migrant and Seasonal Agricultural Worker Protection Act.	MSPA	29 CFR 500.1(e)		\$2,579		\$2,739.
WHD	Immigration & Nationality Act.	H1B	20 CFR 655.810(b)(1).		\$1,951		\$2,072.
WHD	Immigration & Nationality Act.	H1B retaliation	20 CFR 655.801(b)		\$7,939		\$8,433.
WHD	Immigration & Nationality Act.	H1B willful or discrimination	20 CFR 655.810(b)(2).		\$7,939		\$8,433.
WHD	Immigration & Nationality Act.	H1B willful that resulted in displacement of a US worker.	20 CFR 655.810(b)(3).		\$55,570		\$59,028.
WHD	Immigration & Nationality Act.	D-1	20 CFR 655.620(a)		\$9,753		\$10,360.
WHD	Contract Work Hours and Safety Standards Act.	CWHSSA	29 CFR 5.5(b)(2)		\$27		\$29.
WHD	Contract Work Hours and Safety Standards Act.	CWHSSA	29 CFR 5.8(a)		\$27		\$29.
WHD	Walsh-Healey Public Contracts Act.	Walsh-Healey	41 CFR 50-201.3(e)		\$27		\$29.
WHD	Employee Polygraph Protection Act.	EPPA	29 CFR 801.42(a)		\$21,663		\$23,011.
WHD	Immigration & Nationality Act.	H2A	29 CFR 501.19(c)		\$1,787		\$1,898.
WHD	Immigration & Nationality Act.	H2A willful or discrimination	29 CFR 501.19(c)(1)		\$6,012		\$6,386.
WHD	Immigration & Nationality Act.	H2A Safety or health resulting in serious injury or death.	29 CFR 501.19(c)(2)		\$59,528		\$63,232.
WHD	Immigration & Nationality Act.	H2A willful or repeated safety or health resulting in serious injury or death.	29 CFR 501.19(c)(4)		\$119,055		\$126,463.
WHD	Immigration & Nationality Act.	H2A failing to cooperate in an investigation.	29 CFR 501.19(d)		\$6,012		\$6,386.
WHD	Immigration & Nationality Act.	H2A displacing a US worker	29 CFR 501.19(e)		\$17,859		\$18,970.
WHD	Immigration & Nationality Act.	H2A improperly rejecting a US worker	29 CFR 501.19(f)		\$17,859		\$18,970.
WHD	Immigration & Nationality Act.	H-2B	29 CFR 503.23(b)		\$13,072		\$13,885.
WHD	Immigration & Nationality Act.	H-2B	29 CFR 503.23(c)		\$13,072		\$13,885.
WHD	Immigration & Nationality Act.	H-2B	29 CFR 503.23(d)		\$13,072		\$13,885.
WHD	Fair Labor Standards Act.	Home Worker	29 CFR 530.302(a)		\$1,084		\$1,151.
WHD	Fair Labor Standards Act.	Home Worker	29 CFR 530.302(b)	21	\$1,084	22	\$1,151.
WHD	United States-Mexico-Canada Agreement Implementation Act.	Whistleblower	29 CFR 810.800(c)(3)(i).		\$50,000		\$53,111.

Agency	Law	Name description	CFR citation	2021		2022	
				Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)	Min penalty (rounded to nearest dollar)	Max penalty (rounded to nearest dollar)
OWCP ...	Longshore and Harbor Workers' Compensation Act.	Failure to file first report of injury or filing a false statement or misrepresentation in first report.	20 CFR 702.204	.....	\$24,730	.....	\$26,269.
OWCP ...	Longshore and Harbor Workers' Compensation Act.	Failure to report termination of payments	20 CFR 702.236	.....	\$301	.....	\$320.
OWCP ...	Longshore and Harbor Workers' Compensation Act.	Discrimination against employees who claim compensation or testify in a LHWCA proceeding.	20 CFR 702.271(a)(2).	2,473	\$12,363	2,627	\$13,132.
OWCP ...	Black Lung Benefits Act.	Failure to report termination of payments	20 CFR 725.621(d)	.....	\$1,506	.....	\$1,600.
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits for mines with fewer than 25 employees.	20 CFR 726.302(c)(2)(i).	148	.....	157	
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits for mines with 25–50 employees.	20 CFR 726.302(c)(2)(i).	293	.....	311	
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits for mines with 51–100 employees.	20 CFR 726.302(c)(2)(i).	441	.....	468	
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits for mines with more than 100 employees.	20 CFR 726.302(c)(2)(i).	586	.....	622	
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits after 10th day of notice.	20 CFR 726.302(c)(4).	148	.....	157	
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits for repeat offenders.	20 CFR 726.302(c)(5).	441	.....	468	
OWCP ...	Black Lung Benefits Act.	Failure to secure payment of benefits	20 CFR 726.302(c)(5).	\$3,011	\$3,198.

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4071 and 4302
RIN 1212–AB45

Adjustment of Civil Penalties for Inflation

AGENCY: Pension Benefit Guaranty Corporation.
ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation is required to amend its regulations annually to adjust for inflation the maximum civil penalty for failure to provide certain notices or other material information and for failure to provide certain multiemployer plan notices.

DATES:

Effective date: This rule is effective on January 14, 2022.

Applicability date: The increases in the civil monetary penalties under sections 4071 and 4302 of the Employee Retirement Income Security Act provided for in this rule apply to such penalties assessed after January 14, 2022.

FOR FURTHER INFORMATION CONTACT: Gregory Katz (*katz.gregory@pbgc.gov*), Attorney, Regulatory Affairs Division, Pension Benefit Guaranty Corporation,

1200 K Street NW, Washington, DC 20005–4026; 202–229–3829. (TTY users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–229–3829.)

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Regulatory Action

This rule is needed to carry out the requirements of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance M–22–07. The rule adjusts, as required for 2022, the maximum civil penalties under 29 CFR 4071 and 29 CFR 4302 that the Pension Benefit Guaranty Corporation (PBGC) may assess for failure to provide certain notices or other material information and certain multiemployer plan notices.

PBGC’s legal authority for this action comes from the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and from sections 4002(b)(3), 4071, and 4302 of the Employee Retirement Income Security Act of 1974 (ERISA).

Major Provisions of the Regulatory Action

This rule adjusts as required by law the maximum civil penalties that PBGC may assess under sections 4071 and 4302 of ERISA. The new maximum amounts are \$2,400 for section 4071

penalties and \$320 for section 4302 penalties.

Background

PBGC administers title IV of ERISA. Title IV has two provisions that authorize PBGC to assess civil monetary penalties.¹ Section 4302, added to ERISA by the Multiemployer Pension Plan Amendments Act of 1980, authorizes PBGC to assess a civil penalty of up to \$100 a day for failure to provide a notice under subtitle E of title IV of ERISA (dealing with multiemployer plans). Section 4071, added to ERISA by the Omnibus Budget Reconciliation Act of 1987, authorizes PBGC to assess a civil penalty of up to \$1,000 a day for failure to provide a notice or other material information under subtitles A, B, and C of title IV and sections 303(k)(4) and 306(g)(4) of title I of ERISA.

Adjustment of Civil Penalties

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,² which

¹ Under the Federal Civil Penalties Inflation Adjustment Act of 1990, a penalty is a civil monetary penalty if (among other things) it is for a specific monetary amount or has a maximum amount specified by Federal law. Title IV also provides (in section 4007) for penalties for late payment of premiums, but those penalties are neither in a specified amount nor subject to a specified maximum amount.

² Sec. 701, Public Law 114–74, 129 Stat. 599–601 (Bipartisan Budget Act of 2015).