



DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Office of Workers' Compensation Programs

20 CFR Parts 702, 725, and 726

Wage and Hour Division

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

Occupational Safety and Health Administration

29 CFR Part 1903

Mine Safety and Health Administration

30 CFR Part 100

RIN 1290-AA41

Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual

Adjustments for 2021

AGENCY: Employment and Training Administration, Office of Workers' Compensation Programs, Office of the Secretary, Wage and Hour Division, Occupational Safety and Health 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 2021 annual adjustments for inflation to its civil monetary penalties.

DATES: This final rule is effective on January 15, 2021. As provided by the Inflation Adjustment Act, the increased penalty levels apply to any penalties assessed after January 15, 2021.

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I. Background

On November 2, 2015, Congress enacted the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 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).

This rule implements the 2021 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.¹ 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.

¹ The Department is also responsible for administering and enforcing a newly-enacted civil monetary penalty under the Fair Labor Standards Act (*see* Pub. L. No. 115-141, section 1201 (2018)) and proposed regulations that would codify this civil monetary penalty in the Code of Federal Regulations (CFR) on October 8, 2019. *See* Tip Regulations Under the Fair Labor Standards Act (FLSA), 84 FR 53956 (proposed Oct. 8, 2019). On December 30, 2020, the Department published a final rule that codifies this civil monetary penalty, adjusted for inflation pursuant to the Inflation Adjustment Act, in the CFR, to be effective on March 1, 2021.

This rule is not an Executive Order 13771 regulatory action because 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 2020

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.²

The Department first identified the most recent penalty amount, which is the amount established by the 2020 annual adjustment as set forth in the DOL 2020 Annual Adjustment published on January 15, 2020. 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 2020 CPI-U and the October 2019 CPI-U. The cost-of-living adjustment multiplier for 2021, based on the Consumer Price Index (CPI-U) for the month of October 2020, not seasonally adjusted, is 1.01182.³ In order to compute the 2021 annual adjustment, the Department multiplied the most recent penalty amount for each applicable penalty by the multiplier, 1.01182, and rounded to the nearest dollar. This resulted in increases to all but four of the penalties administered by the Department, as set forth in the Appendix.

As provided by the Inflation Adjustment Act, the increased penalty levels apply to any penalties assessed after the effective date of this rule.⁴ Accordingly, for penalties assessed after

² 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).

³ OMB provided the year-over-year multiplier, rounded to 5 decimal points. *Id.* at 1.

⁴ Appendix 1 consists of a table that provides ready access to key information about each penalty.

January 15, 2021, 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 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
After November 2, 2015	After January 15, 2021	January 15, 2021 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	January 15, 2021 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 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 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.

For the reasons set out in the preamble, 20 CFR chapters V and VI, 29 CFR chapters V and XVII, and 30 CFR chapter I 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), (p) 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), (p) 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)	\$9,639	\$9,753
§ 655.801(b)	\$7,846	\$7,939

§ 655.810(b)(1) introductory text	\$1,928	\$1,951
§ 655.810(b)(2) introductory text	\$7,846	\$7,939
§ 655.810(b)(3) introductory text	\$54,921	\$55,570

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	\$24,441	\$24,730
§ 702.204	January 15, 2020	January 15, 2021
§ 702.236	\$297	\$301
§ 702.236	January 15, 2020	January 15, 2021
§ 702.271(a)(2)	January 15, 2020	January 15, 2021
§ 702.271(a)(2)	\$2,444	\$2,473
§ 702.271(a)(2)	\$12,219	\$12,363

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, 2020” and adding in its place “January 15, 2021” and by removing “\$1,488” and adding in its place “\$1,506”.

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, 2020	January 15, 2021
§ 726.302(c)(2)(i) table	\$146	\$148
§ 726.302(c)(2)(i) table	290	293
§ 726.302(c)(2)(i) table	436	441
§ 726.302(c)(2)(i) table	579	586
§ 726.302(c)(4)	January 15, 2020	January 15, 2021
§ 726.302(c)(4)	\$146	\$148
§ 726.302(c)(5)	January 15, 2020	January 15, 2021
§ 726.302(c)(5)	\$436	\$441
§ 726.302(c)(6)	January 15, 2020	January 15, 2021
§ 726.302(c)(6)	\$2,976	\$3,011

Department of Labor

Wage and Hour Division

Title 29–Labor

PART 500–MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

9. 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]

10. In § 500.1, amend paragraph (e) by removing “\$2,549” and adding in its place “\$2,579”.

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

11. 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]

12. 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	\$1,766	\$1,787
§ 501.19(c)(1)	\$5,942	\$6,012
§ 501.19(c)(2)	\$57,833	\$59,528
§ 501.19(c)(4)	\$117,664	\$119,055
§ 501.19(d)	\$5,942	\$6,012
§ 501.19(e)	\$17,650	\$17,859
§ 501.19(f)	\$17,650	\$17,859

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

13. 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]

14. 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)	\$12,919	\$13,072
§ 503.23(c)	\$12,919	\$13,072
§ 503.23(d)	\$12,919	\$13,072

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

15. 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.

16. In § 530.302:

- a. Amend paragraph (a) by removing “\$1,071” and adding in its place “\$1,084;” 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	\$21-217	\$217-433	\$433-1,084
Monetary violations	21-217	217-433	
Employment of homeworkers without a certificate		217-433	433-1,084
Other violations of statutes, regulations or employer assurances	21-217	217-433	433-1,084

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

17. 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]

18. In § 570.140, amend paragraph (b)(1) by removing “\$13,072” and adding in its place “\$13,227” and paragraph (b)(2) by removing “\$59,413” and adding in its place “\$60,115”.

PART 578--MINIMUM WAGE AND OVERTIME VIOLATIONS--CIVIL MONEY PENALTIES

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

AUTHORITY: Sec. 9, Pub. L. 101-157, 103 Stat. 938, sec. 3103, Pub. L. 101-508, 104 Stat. 1388-29 (29 U.S.C. 216(e)), Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note), as

amended by Pub. L. 104-134, section 31001(s), 110 Stat. 1321-358, 1321-373, and Pub. L. No. 114-74, 129 Stat 584.

§ 578.3 [Amended]

20. In § 578.3, amend paragraph (a) by removing “\$2,050” and adding in its place “\$2,074”.

PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES

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

AUTHORITY: 29 U.S.C. 203(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 (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. No. 114-7, 129 Stat 584.

§ 579.1 [Amended]

22. 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)	\$13,072	\$13,227
§ 579.1(a)(1)(i)(B)	\$59,413	\$60,115
§ 579.1(a)(2)	\$2,050	\$2,074

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

23. 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]

24. In § 801.42, amend paragraph (a) introductory text by removing “\$21,410” and adding in its place “\$21,663”.

PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993

25. 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]

26. In § 825.300, amend paragraph (a)(1) by removing “\$176” and adding in its place “\$178”.

Department of Labor

Occupational Safety and Health Administration

Title 29—Labor

PART 1903 -- INSPECTIONS, CITATIONS, AND PROPOSED PENALTIES

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

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).

§ 1903.15 [Amended]

28. 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
§ 1903.15(d) introductory text	January 15, 2020	January 15, 2021
§ 1903.15(d)(1)	\$9,639	\$9,753
§ 1903.15(d)(1)	\$134,937	\$136,532

§ 1903.15(d)(2)	\$134,937	\$136,532
§ 1903.15(d)(3)	\$13,494	\$13,653
§ 1903.15(d)(4)	\$13,494	\$13,653
§ 1903.15(d)(5)	\$13,494	\$13,653
§ 1903.15(d)(6)	\$13,494	\$13,653

Department of Labor

Mine Safety and Health Administration

Title 30—Mineral Resources

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

29. 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.

30. In § 100.3, amend paragraph (a)(1) introductory text by removing “\$73,901” and adding in its place “\$74,775” and paragraph (g) by revising Table XIV-Penalty Conversion Table to read as follows:

§ 100.3 Determination of penalty amount; regular assessment.

* * * * *

(g) * * *

TABLE XIV—PENALTY CONVERSION TABLE

Points	Penalty (\$)
60 or fewer	\$139
61	\$152
62	\$163
63	\$177
64	\$192
65	\$208
66	\$225

67	\$245
68	\$264
69	\$286
70	\$310
71	\$336
72	\$365
73	\$395
74	\$426
75	\$463
76	\$504
77	\$542
78	\$589
79	\$638
80	\$692
81	\$749
82	\$810
83	\$879
84	\$952
85	\$1,033
86	\$1,118
87	\$1,210
88	\$1,311
89	\$1,421
90	\$1,539
91	\$1,667
92	\$1,805
93	\$1,955
94	\$2,119
95	\$2,295
96	\$2,486
97	\$2,692
98	\$2,918
99	\$3,161

100	\$3,425
101	\$3,709
102	\$4,018
103	\$4,353
104	\$4,715
105	\$5,109
106	\$5,534
107	\$5,995
108	\$6,494
109	\$7,035
110	\$7,621
111	\$8,253
112	\$8,943
113	\$9,688
114	\$10,496
115	\$11,369
116	\$12,315
117	\$13,342
118	\$14,453
119	\$15,657
120	\$16,960
121	\$18,374
122	\$19,902
123	\$21,561
124	\$23,358
125	\$25,300
126	\$27,409
127	\$29,693
128	\$32,165
129	\$34,844
130	\$37,747
131	\$40,891
132	\$44,295

133	\$47,984
134	\$51,812
135	\$55,638
136	\$59,468
137	\$63,292
138	\$67,121
139	\$70,947
140 or more	\$74,775

* * * * *

§§ 100.4 and 100.5 [Amended]

31. 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)	\$2,464	\$2,493
§ 100.4(b)	\$4,925	\$4,983
§ 100.4(c) introductory text	\$6,159	\$6,232
§ 100.4(c) introductory text	\$73,901	\$74,775
§ 100.5(c)	\$8,006	\$8,101
§ 100.5(d)	\$338	\$342
§ 100.5(e)	\$270,972	\$274,175

Signed in Washington, D.C.

Eugene Scalia,

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	2020		2021	
				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)		\$73,901		\$74,775
MSHA	Federal Mine Safety & Health Act of 1977	Penalty Conversion Table	30 CFR 100.3(g)	\$137	\$73,901	\$139	\$74,775
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)	\$2,464		\$2,493	
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)	\$4,925		\$4,983	
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)	\$6,159	\$73,901	\$6,232	\$74,775
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)		\$8,006		\$8,101
MSHA	Federal Mine Safety & Health Act of 1977	Violation of mandatory safety standards related to smoking standards	30 CFR 100.5(d)		\$338		\$342
MSHA	Federal Mine Safety & Health Act of 1977	Flagrant violations under 110(b)(2) of the Mine Act	30 CFR 100.5(e)		\$270,972		\$274,175
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		\$31
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		\$2,233		\$2,259
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		\$1,767		\$1,788

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		\$1,625		\$1,644
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		\$159 per day, not to exceed \$1,594 per request		\$161 per day, not to exceed \$1,613 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		\$141		\$143
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		\$1,402		\$1,419
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		\$119		\$120
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		\$119		\$120

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		\$119		\$120
EBSA	Employee Retirement Income Security Act	Section 502(c)(10) - uncorrected de minimis violation	29 CFR 2575.1-3	\$2,970		\$3,005	
EBSA	Employee Retirement Income Security Act	Section 502(c)(10) - uncorrected violations that are not de minimis	29 CFR 2575.1-3	\$17,824		\$18,035	
EBSA	Employee Retirement Income Security Act	Section 502(c)(10) - unintentional failure maximum cap	29 CFR 2575.1-3		\$594,129		\$601,152
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	29CFR 2575.1-3		\$109		\$110
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		\$17,213		\$17,416
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		\$1,176		\$1,190
OSHA	Occupational Safety and Health Act	Serious Violation	29 CFR 1903.15(d)(3)		\$13,494		\$13,653
OSHA	Occupational Safety and Health Act	Other-Than-Serious	29 CFR 1903.15(d)(4)		\$13,494		\$13,653
OSHA	Occupational Safety and Health Act	Willful	29 CFR 1903.15(d)(1)	\$9,639	\$134,937	\$9,753	\$136,532
OSHA	Occupational Safety and Health Act	Repeated	29 CFR 1903.15(d)(2)		\$134,937		\$136,532
OSHA	Occupational Safety and Health Act	Posting Requirement	29 CFR 1903.15(d)(6)		\$13,494		\$13,653

OSHA	Occupational Safety and Health Act	Failure to Abate	29 CFR 1903.15(d)(5)		\$13,494 per day		\$13,653 per day
WHD	Family and Medical Leave Act	FMLA	29 CFR 825.300(a)(1)		\$176		\$178
WHD	Fair Labor Standards Act	FLSA	29 CFR 578.3(a)		\$2,050		\$2,074
WHD	Fair Labor Standards Act	Child Labor	29 CFR 579.1(a)(2)		\$2,050		\$2,074
WHD	Fair Labor Standards Act	Child Labor	29 CFR 570.140(b)(1)		\$13,072		\$13,227
WHD	Fair Labor Standards Act	Child Labor	29 CFR 579.1(a)(1)(i)(A)		\$13,072		\$13,227
WHD	Fair Labor Standards Act	Child Labor that causes serious injury or death	29 CFR 570.140(b)(2)		\$59,413		\$60,115
WHD	Fair Labor Standards Act	Child Labor that causes serious injury or death	29 CFR 579.1(a)(1)(i)(B)		\$59,413		\$60,115
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		\$118,827		\$120,230
WHD	Migrant and Seasonal Agricultural Worker Protection Act	MSPA	29 CFR 500.1(e)		\$2,549		\$2,579
WHD	Immigration & Nationality Act	H1B	20 CFR 655.810(b)(1)		\$1,928		\$1,951
WHD	Immigration & Nationality Act	H1B retaliation	20 CFR 655.801(b)		\$7,846		\$7,939
WHD	Immigration & Nationality Act	H1B willful or discrimination	20 CFR 655.810(b)(2)		\$7,846		\$7,939
WHD	Immigration & Nationality Act	H1B willful that resulted in displacement of a US worker	20 CFR 655.810(b)(3)		\$54,921		\$55,570
WHD	Immigration & Nationality Act	D-1	20 CFR 655.620(a)		\$9,639		\$9,753

WHD	Contract Work Hours and Safety Standards Act	CWHSSA	29 CFR 5.5(b)(2)		\$27		\$27
WHD	Contract Work Hours and Safety Standards Act	CWHSSA	29 CFR 5.8(a)		\$27		\$27
WHD	Walsh-Healey Public Contracts Act	Walsh-Healey	41 CFR 50-201.3(e)		\$27		\$27
WHD	Employee Polygraph Protection Act	EPPA	29 CFR 801.42(a)		\$21,410		\$21,663
WHD	Immigration & Nationality Act	H2A	29 CFR 501.19(c)		\$1,766		\$1,787
WHD	Immigration & Nationality Act	H2A willful or discrimination	29 CFR 501.19(c)(1)		\$5,942		\$6,012
WHD	Immigration & Nationality Act	H2A Safety or health resulting in serious injury or death	29 CFR 501.19(c)(2)		\$58,833		\$59,528
WHD	Immigration & Nationality Act	H2A willful or repeated safety or health resulting in serious injury or death	29 CFR 501.19(c)(4)		\$117,664		\$119,055
WHD	Immigration & Nationality Act	H2A failing to cooperate in an investigation	29 CFR 501.19(d)		\$5,942		\$6,012
WHD	Immigration & Nationality Act	H2A displacing a US worker	29 CFR 501.19(e)		\$17,650		\$17,859
WHD	Immigration & Nationality Act	H2A improperly rejecting a US worker	29 CFR 501.19(f)		\$17,650		\$17,859
WHD	Immigration & Nationality Act	H-2B	29 CFR 503.23(b)		\$12,919		\$13,072
WHD	Immigration & Nationality Act	H-2B	29 CFR 503.23(c)		\$12,919		\$13,072
WHD	Immigration & Nationality Act	H-2B	29 CFR 503.23(d)		\$12,919		\$13,072
WHD	Fair Labor Standards Act	Home Worker	29 CFR 530.302(a)		\$1,071		\$1,084
WHD	Fair Labor Standards Act	Home Worker	29 CFR 530.302(b)	\$21	\$1,071	\$21	\$1,084
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		\$24,441		\$24,730
OWCP	Longshore and Harbor Workers' Compensation Act	Failure to report termination of payments	20 CFR 702.236		\$297		\$301
OWCP	Longshore and Harbor Workers' Compensation Act	Discrimination against employees who claim compensation or	20 CFR 702.271(a)(2)	\$2,444	\$12,219	\$2,473	\$12,363

		testify in a LHWCA proceeding					
OWCP	Black Lung Benefits Act	Failure to report termination of payments	20 CFR 725.621 (d)		\$1,488		\$1,506
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)	\$146		\$148	
OWCP	Black Lung Benefits Act	Failure to secure payment of benefits for mines with 25-50 employees	20 CFR 726.302(c)(2)(i)	\$290		\$293	
OWCP	Black Lung Benefits Act	Failure to secure payment of benefits for mines with 51-100 employees	20 CFR 726.302(c)(2)(i)	\$436		\$441	
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)	\$579		\$586	
OWCP	Black Lung Benefits Act	Failure to secure payment of benefits after 10th day of notice	20 CFR 726.302(c)(4)	\$146		\$148	
OWCP	Black Lung Benefits Act	Failure to secure payment of benefits for repeat offenders	20 CFR 726.302(c)(5)	\$436		\$441	
OWCP	Black Lung Benefits Act	Failure to secure payment of benefits	20 CFR 726.302(c)(5)		\$2,976		\$3,011

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