

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### 45 CFR Parts 1230 and 2554

RIN 3045-AA76

#### Annual Civil Monetary Penalties Inflation Adjustment

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Interim final rule.

**SUMMARY:** The Corporation for National and Community Service (CNCS, operating as AmeriCorps) is updating its regulations to reflect required annual inflation-related increases to the civil monetary penalties in its regulations, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** *Effective date:* This rule is effective March 11, 2021.

*Comment due date:* Technical comments may be submitted until April 12, 2021.

**ADDRESSES:** You may send your comments electronically through the Federal Government's one-stop rulemaking website at [www.regulations.gov](http://www.regulations.gov). Also, you may mail or deliver your comments to Stephanie Soper, Law Office Manager, Office of General Counsel, at the Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525. Due to continued delays in CNCS's receipt of mail, we strongly encourage you to submit your comments online. You may request this document in an alternative format for the visually impaired.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Soper, Law Office Manager, Office of General Counsel, at 202-606-6747 or by email to [ssoper@cns.gov](mailto:ssoper@cns.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

AmeriCorps, the operating name for Corporation for National and Community Service, is a Federal agency that engages millions of Americans in service. AmeriCorps members and AmeriCorps Seniors volunteers serve directly with nonprofit organizations to tackle our nation's most pressing challenges. For more information, visit [americorps.gov](http://americorps.gov).

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) (the "Act"), which is intended to improve the effectiveness of civil monetary penalties and to maintain the deterrent effect of such penalties, requires agencies to adjust the civil monetary penalties for inflation annually.

##### II. Method of Calculation

AmeriCorps has two civil monetary penalties in its regulations. A civil monetary penalty under the Act is a penalty, fine, or other sanction that is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law and is assessed or enforced by an agency pursuant to Federal law and is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. (*See* 28 U.S.C. 2461 note).

The inflation adjustment for each applicable civil monetary penalty is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October of the year in which the amount of each civil money penalty was most recently established or modified. In the December 23, 2020, OMB Memo for the Heads of Executive Agencies and Departments, M-21-10, *Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, OMB published the multiplier for the required annual adjustment. The cost-of-living adjustment multiplier for 2021, based on the CPI-U for the month of October 2020, not seasonally adjusted, is 1.01182.

The agency identified two civil penalties in its regulations: (1) The penalty associated with Restrictions on Lobbying (45 CFR 1230.400) and (2) the penalty associated with the Program Fraud Civil Remedies Act (45 CFR 2554.1).

The civil monetary penalties related to Restrictions on Lobbying (Section 319, Pub. L. 101-121; 31 U.S.C. 1352) range from \$20,489 to \$204,892. Using the 2021 multiplier, the new range of possible civil monetary penalties is from \$20,732 to \$207,313.

The Program Fraud Civil Remedies Act of 1986 (Pub. L. 99-509) civil monetary penalty has an upper limit of \$11,665. Using the 2021 multiplier, the new upper limit of the civil monetary penalty is \$11,803.

##### III. Summary of Final Rule

This final rule adjusts the civil monetary penalty amounts related to Restrictions on Lobbying (45 CFR 1230.400) and the Program Fraud Civil Remedies Act of 1986 (45 CFR 2554.1). The range of civil monetary penalties related to Restrictions on Lobbying increase from "\$20,489 to \$204,892" to "\$20,732 to \$207,313." The civil monetary penalties for the Program Fraud Civil Remedies Act of 1986

increase from "up to \$11,665" to "up to \$11,803."

##### IV. Regulatory Procedures

###### A. Determination of Good Cause for Publication Without Notice and Comment

The agency finds, under 5 U.S.C. 553(b)(3)(B), that there is good cause to except this rule from the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b). Because the agency is implementing a final rule pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which requires the agency to update its regulations based on a prescribed formula, the agency has no discretion in the nature or amount of the change to the civil monetary penalties. Therefore, notice and comment for these proscribed updates is impracticable and unnecessary. As an interim final rule, no further regulatory action is required for the issuance of this legally binding rule. If you would like to provide technical comments, however, they may be submitted until April 12, 2021.

###### B. Review Under Procedural Statutes and Executive Orders

The agency has determined that making technical changes to the amount of civil monetary penalties in its regulations does not trigger any requirements under procedural statutes and Executive orders that govern rulemaking procedures.

##### V. Effective Date

This rule is effective March 11, 2021. The adjusted civil penalty amounts apply to civil penalties assessed on or after March 11, 2021, when the violation occurred after November 2, 2015. If the violation occurred prior to November 2, 2015, or a penalty was assessed prior to August 1, 2016, the pre-adjustment civil penalty amounts in effect prior to August 1, 2106, will apply.

##### List of Subjects

###### 45 CFR Part 1230

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

###### 45 CFR Part 2554

Claims, Fraud, Organization and functions (Government agencies), Penalties.

For the reasons discussed in the preamble, under the authority of 42 U.S.C. 12651c(c), the Corporation for National and Community Service amends chapters XII and XXV, title 45

of the Code of Federal Regulations as follows:

**PART 1230—NEW RESTRICTIONS ON LOBBYING**

■ 1. The authority citation for part 1230 continues to read as follows:

**Authority:** Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 93–113; 42 U.S.C. 4951, *et seq.*; 42 U.S.C. 5060.

**§ 1230.400 [Amended]**

■ 2. Amend § 1230.400 by:

■ a. In paragraphs (a), (b), and (e), removing “\$20,489” and adding in its place “\$20,732” each place it appears.

■ b. In paragraphs (a), (b), and (e), removing “\$204,892” and adding in its place “\$207,313” each place it appears.

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

■ 3. Amend appendix A to part 1230 by:

■ a. Removing “\$20,489” and adding in its place “\$20,732” each place it appears.

■ b. Removing “\$204,892” and adding in its place “\$207,313” each place it appears.

**PART 2554—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS**

■ 4. The authority citation for part 2554 continues to read as follows:

**Authority:** Pub. L. 99–509, Secs. 6101–6104, 100 Stat. 1874 (31 U.S.C. 3801–3812); 42 U.S.C. 12651c-12651d.

**§ 2554.1 [Amended]**

■ 5. Amend § 2554.1 by removing “\$11,665” in paragraph (b) and adding in its place “\$11,803.”

Dated: March 5, 2021.

**Fernando Laguarda,**  
*General Counsel.*

[FR Doc. 2021–05068 Filed 3–10–21; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 181203999–9503–02]

**RTID 0648–XA848**

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Possession and Trip Limit Increases for the Common Pool Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** This action increases the possession and trip limits of Georges Bank cod, Gulf of Maine cod, Gulf of Maine haddock, Southern New England/Mid-Atlantic winter flounder, American plaice, and witch flounder for Northeast multispecies common pool vessels for the remainder of the 2020 fishing year. This action will provide the common pool fishery greater opportunity to harvest, but not exceed, the annual quotas for these stocks.

**DATES:** These possession and trip limit adjustments are effective March 11, 2021, through April 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Spencer Talmage, Fishery Management Specialist, 978–281–9232.

**SUPPLEMENTARY INFORMATION:** The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help avoid overharvest or underharvest of the common pool quotas.

Based on the most recent catch information, the common pool fishery has caught low amounts of the following species relative to the annual quotas for each of these stocks (Table 1): Georges Bank (GB) cod; Gulf of Maine (GOM) cod; GOM haddock; Southern New England/Mid-Atlantic (SNE/MA) winter flounder; American plaice; and witch flounder. At the current rate of fishing, we project that the common pool fishery will not fully harvest the annual quotas for these stocks by the end of fishing year 2020. Providing vessels an opportunity to possess and land greater amounts of catch should provide greater incentive to fish and more opportunity to catch available quota. Based on our review of past fishing effort and performance under various possession and trip limits, we project that this action’s increases in the possession and trip limits for these stocks should provide additional fishing opportunities and flexibility to catch available quota while ensuring that the common pool does not exceed its annual quotas.

TABLE 1—SUMMARY OF COMMON POOL CATCH THROUGH JANUARY 26, 2021

Stock	FY 2020 catch (mt)	Sub-ACL (mt)	Percent caught
GB cod .....	2.7	31.4	8.5
GOM cod .....	2.3	8.7	25.8
GOM haddock .....	30.5	303.1	10
SNE/MA winter flounder .....	7.2	63.4	11.4
American plaice .....	1.6	77.9	2.0
Witch flounder .....	1.2	35.4	3.3

Effective March 11, 2021 until April 30, 2021, NMFS increases the

possession and trip limits summarized in Tables 2 and 3.

TABLE 2—PREVIOUS FISHING YEAR 2020 POSSESSION AND TRIP LIMITS

Stock	A days-at-sea (DAS)	Handgear A	Handgear B	Small vessel category
GB cod .....	250 lb (113.4 kg) per DAS, up to 500 lb (226.8 kg) per trip.	250 lb (113.4 kg) per trip	25 lb (11.3 kg) per trip ....	250 lb (113.4 kg) per trip.
GOM cod .....	50 lb (22.7 kg) per DAS, up to 100 lb (45.4 kg) per trip.	50 lb (22.7 kg) per trip ....	25 lb (11.3 kg) per trip ....	50 lb (22.7 kg) per trip.