AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission (Commission) is publishing this final rule to adjust for inflation the civil monetary penalties assessed or enforced by the Commission, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act). The 2015 Act requires that agencies adjust and publish their civil penalties by January 15 each year.

DATES: This rule is effective January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Rachel E. Dickon, Secretary; Phone: (202) 523-5725; Email: secretary@fmc.gov.


The 2015 Act requires agencies to adjust civil monetary penalties under their jurisdiction by January 15 each year, based on changes in the consumer price index (CPI-U) for the month of October in the previous calendar year. On December 23, 2020, the Office of Management and
Budget published guidance stating that the CPI-U multiplier for October 2020 is 1.01182. In order to complete the adjustment for January 2021, the Commission must multiply the most recent civil penalty amounts in 46 CFR part 506 by the multiplier, 1.01182.

**Rulemaking Analyses and Notices**

**Notice and Effective Date**

Adjustments under the FCPIAA, as amended by the 2015 Act, are not subject to the procedural rulemaking requirements of the Administrative Procedure Act (APA) (5 U.S.C. 553), including the requirements for prior notice, an opportunity for comment, and a delay between the issuance of a final rule and its effective date. As noted above, the 2015 Act requires that the Commission adjust its civil monetary penalties no later than January 15 of each year.

**Congressional Review Act**

The rule is not a “major rule” as defined by the Congressional Review Act, codified at 5 U.S.C. 801 et seq. The rule will not result in: (1) an annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies. 5 U.S.C. 804(2).

**Regulatory Flexibility Act**

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601–612) provides that whenever an agency promulgates a final rule after being required to publish a notice of proposed rulemaking under the APA (5 U.S.C. 553), the agency must prepare and make available a final

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2 FCPIAA section 4(b)(2); M-21-10 at 3.
regulatory flexibility analysis describing the impact of the rule on small entities or the head of
the agency must certify that the rule will not have a significant economic impact on a substantial
number of small entities. 5 U.S.C. 604–605. As indicated above, this final rule is not subject to
the APA’s notice and comment requirements, and the Commission is not required to either
conduct a regulatory flexibility analysis or certify that the final rule would not have a significant
economic impact on a substantial number of small entities.

*Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) requires an agency to seek
and receive approval from the Office of Management and Budget (OMB) before collecting
information from the public. 44 U.S.C. 3507. The agency must submit collections of information
in rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR
1320.11. This final rule does not contain any collection of information, as defined by 44 U.S.C.
3502(3) and 5 CFR 1320.3(c).

*Regulation Identifier Number*

The Commission assigns a regulation identifier number (RIN) to each regulatory action
listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda).
The Regulatory Information Service Center publishes the Unified Agenda in April and October
of each year. The public may use the RIN contained in the heading at the beginning of this
document to find this action in the Unified Agenda, available at

**List of Subjects in 46 CFR Part 506**

Administrative practice and procedure, Claims, Penalties.

For the reasons stated in the preamble, 46 CFR part 506 is amended as follows:
PART 506—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

1. The authority citation for part 506 continues to read as follows:

**Authority:** 28 U.S.C. 2461.

2. Amend § 506.4 by revising paragraph (d) to read as follows:

§ 506.4 Cost of living adjustments of civil monetary penalties.

* * * * *

(d) *Inflation adjustment.* Maximum civil monetary penalties within the jurisdiction of the Federal Maritime Commission are adjusted for inflation as follows:

<table>
<thead>
<tr>
<th>United States Code Citation</th>
<th>Civil Monetary Penalty Description</th>
<th>Maximum penalty as of January 15, 2020</th>
<th>Maximum penalty as of January 15, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>46 U.S.C. 42304</td>
<td>Adverse impact on U.S. carriers by foreign shipping practices</td>
<td>$2,140,973</td>
<td>$2,166,279</td>
</tr>
<tr>
<td>46 U.S.C. 41107(a)</td>
<td>Knowing and Willful violation/Shipping Act of 1984, or Commission regulation or order</td>
<td>$61,098</td>
<td>$61,820</td>
</tr>
<tr>
<td>46 U.S.C. 41107(a)</td>
<td>Violation of Shipping Act of 1984, Commission regulation or order, not knowing and willful</td>
<td>$12,219</td>
<td>$12,363</td>
</tr>
<tr>
<td>46 U.S.C. 41108(b)</td>
<td>Operating in foreign commerce after tariff suspension</td>
<td>$122,197</td>
<td>$123,641</td>
</tr>
<tr>
<td>46 U.S.C. 42104</td>
<td>Failure to provide required reports, etc./ Merchant Marine Act of 1920</td>
<td>$9,639</td>
<td>$9,753</td>
</tr>
<tr>
<td>46 U.S.C. 42106</td>
<td>Adverse shipping conditions/Merchant Marine Act of 1920</td>
<td>$1,927,676</td>
<td>$1,950,461</td>
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<tr>
<td>46 U.S.C. 42108</td>
<td>Operating after tariff or service contract suspension/Merchant Marine Act of 1920</td>
<td>$96,384</td>
<td>$97,523</td>
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<tr>
<td>46 U.S.C. 44102, 44104</td>
<td>Failure to establish financial responsibility for non-performance of transportation</td>
<td>$24,346</td>
<td>$24,634</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$812</td>
<td>$822</td>
</tr>
<tr>
<td>46 U.S.C. 44103, 44104</td>
<td>Failure to establish financial responsibility for death or injury</td>
<td>$24,346</td>
<td>$24,634</td>
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<tr>
<td></td>
<td></td>
<td>$812</td>
<td>$822</td>
</tr>
</tbody>
</table>

By the Commission.

Rachel Dickon,
Secretary.