

**NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**

**National Endowment for the Humanities**

**Civil Penalty Adjustments for 2022**

**AGENCY:** National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

**ACTION:** Notice of civil penalty adjustments for 2022.

**SUMMARY:** The National Endowment for the Humanities is giving notice of the adjusted maximum and minimum civil monetary penalties that it may impose, 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, for violations of its New Restrictions on Lobbying and Program Fraud Civil Remedies Act regulations. The updated penalty amounts are adjusted for inflation and are effective from January 15, 2022, through January 14, 2023.

**DATES:** The updated civil penalties in this notice are applicable to penalties assessed on or after January 15, 2022, if the associated violations occurred after November 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel, National Endowment for the

Humanities, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606-8322; *gencounsel@neh.gov*.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the Inflation Adjustment Act),<sup>1</sup> directs each Executive agency to make an annual inflation adjustment for each civil monetary penalty provided by law within the jurisdiction of the agency, and to publish notice of each such adjustment in the **Federal Register**. An agency adjusts a civil monetary penalty by increasing the maximum amount of such penalty (or the range of minimum and maximum amounts, as applicable) by the percentage by which the Consumer Price Index for All Urban Consumers (CPI-U) for the month of October preceding the date of adjustment (in this case, October 2021) exceeds the CPI-U for the October one year prior to the October immediately preceding the date of the adjustment (in this case, October 2020), then rounding each amount to the nearest dollar.

The National Endowment for the Humanities (NEH) administers two civil monetary penalties subject to adjustment pursuant to the Inflation Adjustment Act: A civil monetary penalty that NEH may impose for violation of its New Restrictions on

Lobbying regulation (the Lobbying Civil Monetary Penalty)<sup>2</sup> and a civil monetary penalty that NEH may impose under its Program Fraud Civil Remedies Act Regulations (the PFCRA Civil Monetary Penalty).<sup>3</sup> Each regulation provides for adjustment of its respective civil monetary penalty by notice in the **Federal Register**.<sup>4</sup>

**2. 2022 Adjustments for Inflation**

The CPI-U for October 2021 was 276.589, and the CPI-U for October 2020 was 260.388. Between October 2020 and October 2021, the CPI-U increased by 6.222 percent.<sup>5</sup> Therefore, NEH will adjust each civil monetary penalty amount by multiplying it by 1.06222 and rounding to the nearest dollar.

*A. 2022 Adjustment to Lobbying Civil Monetary Penalty*

For 2021, the Lobbying Civil Monetary Penalty had a minimum amount of \$20,731 and a maximum amount of \$207,314.<sup>6</sup> Therefore, the adjusted minimum Lobbying Civil Monetary Penalty for 2022 is \$22,021 (\$20,731 multiplied by 1.06222) and the adjusted maximum Lobbying Civil Monetary Penalty for 2022 is \$220,213 (\$207,314 multiplied by 1.06222).

Thus, the Lobbying Civil Monetary Penalty, following the 2022 adjustment, has a minimum amount of \$22,021 and a maximum amount of \$220,213.

TABLE 1—ANNUAL ADJUSTMENTS TO LOBBYING CIVIL MONETARY PENALTY, 2016–2022

Year	Baseline penalty range	Applicable multiplier based on percent increase in CPI-U	New baseline penalty range
2016	\$10,000–\$100,000	<sup>7</sup> 1.89361	\$18,936–\$189,361
2017	18,936–189,361	<sup>8</sup> 1.01636	19,246–192,459
2018	19,246–192,459	<sup>9</sup> 1.02041	19,639–196,387
2019	19,639–196,387	<sup>10</sup> 1.02522	20,134–201,340
2020	20,134–201,340	<sup>11</sup> 1.01764	20,489–204,892
2021	20,489–204,892	<sup>12</sup> 1.01182	20,731–207,314
2022	20,731–207,314	<sup>13</sup> 1.06222	22,021–220,213

*B. 2022 Adjustment to PFCRA Civil Monetary Penalty*

For 2021, the PFCRA Civil Monetary Penalty had a maximum amount of

\$11,803.<sup>14</sup> Therefore, the new, post-adjustment minimum penalty for 2022 under NEH's PFCRA regulation is

\$12,537 (\$11,803 multiplied by 1.06222).

<sup>1</sup> 28 U.S.C. 2461 note.

<sup>2</sup> 45 CFR 1168.400(a), (b), (e).

<sup>3</sup> 45 CFR 1174.3(a), (b).

<sup>4</sup> 45 CFR 1168.400(g), 1174.3(f).

<sup>5</sup> OMB Memorandum M–22–07 (December 15, 2021).

<sup>6</sup> Table 1 details the annual adjustments to the Lobbying Civil Monetary Penalty for years 2016–2022. NEH made the adjustments for years 2016–2020 when it amended its New Restrictions on

Lobbying regulation on April 21, 2020. 85 FR 22025.

<sup>7</sup> OMB Memorandum M–16–06 (February 24, 2016).

<sup>8</sup> OMB Memorandum M–17–11 (December 16, 2016).

<sup>9</sup> OMB Memorandum M–18–03 (December 15, 2017).

<sup>10</sup> OMB Memorandum M–19–04 (December 14, 2018).

<sup>11</sup> OMB Memorandum M–20–05 (December 16, 2019).

<sup>12</sup> OMB Memorandum M–21–10 (December 23, 2020).

<sup>13</sup> OMB Memorandum M–22–07 (December 15, 2021).

<sup>14</sup> Table 2 details the annual adjustments to PFCRA Civil Monetary Penalties for years 2016–2022. NEH made the adjustments for 2016–2021 when it adopted its Program Fraud Civil Monetary Penalties Act Regulations. 86 FR 44626.

TABLE 2—ANNUAL ADJUSTMENTS TO PFCRA CIVIL MONETARY PENALTIES, 2016–2022

Year	Baseline maximum penalty	Applicable multiplier based on percent increase in CPI-U	New baseline maximum penalty
2016 .....	\$5,000	<sup>15</sup> 2.15628	\$10,781
2017 .....	10,781	<sup>16</sup> 1.01636	10,957
2018 .....	10,957	<sup>17</sup> 1.02041	11,181
2019 .....	11,181	<sup>18</sup> 1.02522	11,463
2020 .....	11,463	<sup>19</sup> 1.01764	11,665
2021 .....	11,665	<sup>20</sup> 1.01182	11,803
2021 .....	11,803	<sup>21</sup> 1.06222	12,537

Dated: December 16, 2021.

**Samuel Roth,**

*Attorney-Advisor, National Endowment for the Humanities.*

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## NATIONAL SCIENCE FOUNDATION

**RIN 3145–AA58**

### Notice on Penalty Inflation Adjustments for Civil Monetary Penalties

**AGENCY:** National Science Foundation.

**ACTION:** Notice announcing updated penalty inflation adjustments for civil monetary penalties for 2022.

**SUMMARY:** The National Science Foundation (NSF or Foundation) is providing notice of its adjusted maximum civil monetary penalties, effective January 15, 2022. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

#### FOR FURTHER INFORMATION CONTACT:

Bijan Gilanshah, Assistant General Counsel, Office of the General Counsel, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Telephone: 703.292.5055.

**SUPPLEMENTARY INFORMATION:** On June 27, 2016, NSF published an interim final rule amending its regulations to

adjust, for inflation, the maximum civil monetary penalties that may be imposed for violations of the Antarctic Conservation Act of 1978 (ACA), as amended, 16 U.S.C. 2401 *et seq.*, and the Program Fraud Civil Remedies Act of 1986 (PFCRA), 31 U.S.C. 3801, *et seq.* These adjustments are required by the 2015 Act. The 2015 Act also requires agencies to make subsequent annual adjustments for inflation. Pursuant to OMB guidance dated December 15, 2021, the cost-of-living adjustment multiplier for 2022 is 1.06222. Accordingly, the 2022 annual inflation adjustments for the maximum penalties under the ACA are \$18,898 ( $\$17,791 \times 1.06222$ ) for violations and \$31,980 ( $\$30,107 \times 1.06222$ ) for knowing violations of the ACA. Finally, the 2022 annual inflation adjustment for the maximum penalty for violations under PFCRA is \$12,537 ( $\$11,803 \times 1.06222$ ).

Dated: December 16, 2021.

**Suzanne Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

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## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–244; NRC–2021–0223]**

### Exelon Generation Company, LLC; R.E. Ginna Nuclear Power Plant

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to an October 6, 2021, request from Exelon Generation Company, LLC, as supplemented by letter dated November 15, 2021, which requested a one-time exemption from the NRC regulations, to postpone the conduct of the offsite portions of the

R.E. Ginna Nuclear Power Plant biennial emergency preparedness (EP) exercise until a date prior to July 20, 2022.

**DATES:** The exemption was issued on December 15, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2021–0223 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0223. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

<sup>15</sup> OMB Memorandum M–16–06 (February 24, 2016).

<sup>16</sup> OMB Memorandum M–17–11 (December 16, 2016).

<sup>17</sup> OMB Memorandum M–18–03 (December 15, 2017).

<sup>18</sup> OMB Memorandum M–19–04 (December 14, 2018).

<sup>19</sup> OMB Memorandum M–20–05 (December 16, 2019).

<sup>20</sup> OMB Memorandum M–21–10 (December 23, 2020).

<sup>21</sup> OMB Memorandum M–22–07 (December 15, 2021).