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DEPARTMENT OF HOMELAND SECURITY

6 CFR Part 27

8 CFR Parts 270, 274a, and 280

U.S. Customs and Border Protection

19 CFR Part 4

Coast Guard

33 CFR Part 27

Transportation Security Administration

49 CFR Part 1503

RIN 1601-AB07

Civil Monetary Penalty Adjustments for Inflation

AGENCY: Department of Homeland Security.

ACTION: Final rule.

SUMMARY: In this final rule, the Department of Homeland Security (DHS) makes the 2023 annual inflation adjustment to its civil monetary penalties. On November 2, 2015, the President signed into law The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act). Pursuant to the 2015 Act, all agencies must adjust their civil monetary penalties annually and publish the adjustment in the **Federal Register**. Accordingly, this final rule adjusts the Department's civil monetary penalties for 2023 pursuant to the 2015 Act and Executive Office of the President (EOP) Office of Management and Budget (OMB) guidance. The new penalties will be effective for penalties assessed after January 13, 2023 whose associated violations occurred after November 2, 2015.

DATES: This rule is effective on January 13, 2023.

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SUPPLEMENTARY INFORMATION:

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I. Statutory and Regulatory Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114-74 section 701 (Nov. 2, 2015)) (2015 Act).¹ The 2015 Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act required agencies to: (1) adjust the level of civil monetary penalties with an initial “catch-up” adjustment through issuance of an interim final rule (IFR) and (2) make subsequent annual adjustments for inflation. Through the “catch-up” adjustment, agencies were required to adjust the maximum amounts of civil monetary penalties to more accurately reflect inflation rates.

For the subsequent annual adjustments, the 2015 Act requires agencies to increase the penalty amounts by a cost-of-living adjustment. The 2015 Act directs OMB to provide guidance to agencies each year to assist agencies in making the annual adjustments. The 2015 Act requires agencies to make the annual adjustments no later than January 15 of each year and to publish the adjustments in the **Federal Register**.

Pursuant to the 2015 Act, DHS undertook a review of the civil penalties that DHS and its components

administer.² On July 1, 2016, DHS published an IFR adjusting the maximum civil monetary penalties with an initial “catch-up” adjustment, as required by the 2015 Act.³ DHS calculated the adjusted penalties based upon nondiscretionary provisions in the 2015 Act and upon guidance that OMB issued to agencies on February 24, 2016.⁴ The adjusted penalties were effective for civil penalties assessed after August 1, 2016 (the effective date of the IFR), whose associated violations occurred after November 2, 2015 (the date of enactment of the 2015 Act). On January 27, 2017, DHS published a final rule making the annual adjustment for 2017.⁵ On April 2, 2018, DHS made the 2018 annual inflation adjustment.⁶ On April 5, 2019, DHS made the 2019 annual inflation adjustment.⁷ On June 17, 2020, DHS made the 2020 annual inflation adjustment.⁸ On October 18, 2021, DHS made the 2021 annual inflation adjustment.⁹ On January 11, 2022, DHS made the 2022 annual inflation adjustment.¹⁰

II. Overview of the Final Rule

This final rule makes the 2023 annual inflation adjustments to civil monetary penalties pursuant to the 2015 Act and pursuant to guidance OMB issued to agencies on December 15, 2022.¹¹ The

² The 2015 Act applies to all agency civil penalties except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*) and the Tariff Act of 1930 (19 U.S.C. 1202 *et seq.*). See sec. 4(a)(1) of the 2015 Act. In the case of DHS, several civil penalties that are assessed by U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard (USCG) fall under the Tariff Act of 1930, and therefore DHS did not adjust those civil penalties in this rulemaking.

³ 81 FR 42987.

⁴ Office of Mgmt. & Budget, Exec. Office of the President, M-16-06, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Table A: 2016 Civil Monetary Penalty Catch-Up Adjustment Multiplier by Calendar Year, (Feb. 24, 2016) (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-06.pdf>).

⁵ 82 FR 8571.

⁶ 83 FR 13826.

⁷ 84 FR 13499.

⁸ 85 FR 36469.

⁹ 86 FR 57532.

¹⁰ 87 FR 1317.

¹¹ Office of Mgmt. and Budget, Exec. Office of the President, M-23-05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2023/m-23-05.pdf>).

Continued

¹ The 2015 Act was part of the Bipartisan Budget Act of 2015, Public Law 114-74 (Nov. 2, 2015).

penalty amounts in this final rule will be effective for penalties assessed after January 13, 2023 where the associated violation occurred after November 2, 2015. Consistent with OMB guidance, the 2015 Act does not change previously assessed penalties that the agency is actively collecting or has collected.

The adjusted penalty amounts will apply to penalties assessed after the effective date of this final rule. We discuss civil penalties by DHS component in Section III below. For each component identified in Section III, below, we briefly describe the relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2023. In the table for each component, we show (1) the penalty name, (2) the penalty statutory and or regulatory citation, (3) the penalty amount as adjusted in the 2022 final rule, (4) the cost-of-living adjustment multiplier for 2023 that OMB provided in its December 15,

2022, guidance, and (5) the new 2023 adjusted penalty. The 2015 Act instructs agencies to round penalties to the nearest \$1. For a more complete discussion of the method used for calculating the initial “catch-up” inflation adjustments and a component-by-component breakdown to the nature of the civil penalties and relevant legal authorities, please see the IFR preamble at 81 FR 42987–43000.

III. Adjustments by Component

In the following sections, we briefly describe the civil penalties that DHS and its components, the Cybersecurity and Infrastructure Security Agency (CISA), the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), the U.S. Coast Guard (USCG), and the Transportation Security Administration (TSA), assess. Other components not mentioned do not impose any civil monetary penalties for 2023. We include

tables at the end of each section, which list the individual adjustments for each penalty.

A. Cybersecurity and Infrastructure Security Agency

The Cybersecurity and Infrastructure Security Agency (CISA) administers only one civil penalty that the 2015 Act affects. That penalty assesses fines for violations of the Chemical Facility Anti-Terrorism Standards (CFATS). CFATS is a program that regulates the security of chemical facilities that, in the discretion of the Secretary, present high levels of security risk. DHS established the CFATS program in 2007 pursuant to section 550 of the Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109–295).¹² The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR). Below is a table showing the 2023 adjustment for the CFATS penalty that CISA administers.

TABLE 1—CFATS CIVIL PENALTY ADJUSTMENT

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier*	New penalty as adjusted by this final rule
Penalty for non-compliance with CFATS regulations.	6 U.S.C. 624(b)(1); 6 CFR 27.300(b)(3).	\$38,139 per day	1.07745	\$41,093 per day.

*Office of Mgmt. and Budget, Exec. Office of the President, M–23–05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>).

B. U.S. Customs and Border Protection

The U.S. Customs and Border Protection (CBP) assesses civil monetary penalties under various titles of the United States Code (U.S.C.) and the CFR. These include penalties for certain violations of title 8 of the CFR regarding the Immigration and Nationality Act of 1952 (Pub. L. 82–414, as amended) (INA). The INA contains provisions that impose penalties on persons, including

carriers and aliens, who violate specified provisions of the INA. The relevant penalty provisions appear in numerous sections of the INA; however, CBP has enumerated these penalties in regulation in one location—8 CFR 280.53. For a complete list of the INA sections for which penalties are assessed, in addition to a brief description of each violation, see the 2016 IFR preamble at 81 FR 42989–42990. For a complete list and brief

description of the non-INA civil monetary penalties assessed by CBP subject to adjustment and a discussion of the history of the DHS and CBP adjustments to the non-INA penalties, see the 2019 annual inflation adjustment final rule preamble at 84 FR 13499, 13500 (April 5, 2019).

Below is a table showing the 2023 adjustment for the penalties that CBP administers.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier*	New penalty as adjusted by this final rule
Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States.	8 U.S.C. 1221(g); 8 CFR 280.53(b)(1) (INA section 231(g)).	\$1,525	1.07745	\$1,643.
Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens.	8 U.S.C. 1224; 8 CFR 280.53(b)(2) (INA section 234).	\$4,144	1.07745	\$4,465.
Penalties for failure to depart voluntarily	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3) (INA section 240B(d)).	\$1,746–\$8,736	1.07745	\$1,881–\$9,413.

www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf).

¹² Section 550 has since been superseded by the Protecting and Securing Chemical Facilities from

Terrorist Attacks Act of 2014 (Pub. L. 113–254). The new legislation codified the statutory authority for the CFATS program within Title XXI of the Homeland Security Act of 2002, as amended. See

6 U.S.C. 621 *et seq.* Public Law 113–254 authorized the CFATS program from January 18, 2015, to January 17, 2019. Public Law 116–150 extends the CFATS program authorization to July 27, 2023.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier *	New penalty as adjusted by this final rule
Penalties for violations of removal orders relating to aliens transported on vessels or aircraft under section 241(d) of the INA, or for costs associated with removal under section 241(e) of the INA.	8 U.S.C. 1253(c)(1)(A); 8 CFR 280.53(b)(4) (INA section 243(c)(1)(A)).	\$3,494	1.07745	\$3,765.
Penalties for failure to remove alien stowaways under section 241(d)(2) of the INA.	8 U.S.C. 1253(c)(1)(B); 8 CFR 280.53(b)(5) (INA section 243(c)(1)(B)).	\$8,736	1.07745	\$9,413.
Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(b)(6) (INA section 251(d)).	\$414 for each alien	1.07745	\$446 for each alien.
Penalties for use of alien crewmen for longshore work in violation of section 251(d) of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(b)(6) (INA section 251(d)).	\$10,360	1.07745	\$11,162.
Penalties for failure to control, detain, or remove alien crewmen.	8 U.S.C. 1284(a); 8 CFR 280.53(b)(7) (INA section 254(a)).	\$1,036–\$6,215	1.07745	\$1,116–\$6,696.
Penalties for employment on passenger vessels of aliens afflicted with certain disabilities.	8 U.S.C. 1285; 8 CFR 280.53(b)(8) (INA section 255).	\$2,072	1.07745	\$2,232.
Penalties for discharge of alien crewmen	8 U.S.C. 1286; 8 CFR 280.53(b)(9) (INA section 256).	\$3,107–\$6,215	1.07745	\$3,348–\$6,696.
Penalties for bringing into the United States alien crewmen with intent to evade immigration laws.	8 U.S.C. 1287; 8 CFR 280.53(b)(10) (INA section 257).	\$20,719	1.07745	\$22,324.
Penalties for failure to prevent the unauthorized landing of aliens.	8 U.S.C. 1321(a); 8 CFR 280.53(b)(11) (INA section 271(a)).	\$6,215	1.07745	\$6,696.
Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground.	8 U.S.C. 1322(a); 8 CFR 280.53(b)(12) (INA section 272(a)).	\$6,215	1.07745	\$6,696.
Penalties for bringing to the United States aliens without required documentation.	8 U.S.C. 1323(b); 8 CFR 280.53(b)(13) (INA section 273(b)).	\$6,215	1.07745	\$6,696.
Penalties for failure to depart	8 U.S.C. 1324d; 8 CFR 280.53(b)(14) (INA section 274D).	\$874	1.07745	\$942.
Penalties for improper entry	8 U.S.C. 1325(b); 8 CFR 280.53(b)(15) (INA section 275(b)).	\$87–\$438	1.07745	\$94–\$472.
Penalty for dealing in or using empty stamped imported liquor containers.	19 U.S.C. 469	\$580	1.07745	**\$625.
Penalty for employing a vessel in a trade without a required Certificate of Documentation.	19 U.S.C. 1706a; 19 CFR 4.80(i).	\$1,453	1.07745	\$1,566.
Penalty for transporting passengers coastwise for hire by certain vessels (known as Bowaters vessels) that do not meet specified conditions.	46 U.S.C. 12118(f)(3)	\$580	1.07745	**\$625.
Penalty for transporting passengers between coastwise points in the United States by a non-coastwise qualified vessel.	46 U.S.C. 55103(b); 19 CFR 4.80(b)(2).	\$873	1.07745	\$941.
Penalty for towing a vessel between coastwise points in the United States by a non-coastwise qualified vessel.	46 U.S.C. 55111(c); 19 CFR 4.92.	\$1,017–\$3,198 plus \$174 per ton.	1.07745	\$1,096–\$3,446 plus \$187 per ton.

* Office of Mgmt. and Budget, Exec. Office of the President, M–23–05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>).

** No applicable conforming edit to regulatory text.

C. U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) assesses civil monetary penalties for certain employment-related violations arising from the INA. ICE’s civil penalties are located in title 8 of the CFR.

There are three different sections in the INA that impose civil monetary penalties for violations of the laws that relate to employment actions: sections 274A, 274B, and 274C. ICE has primary

enforcement responsibilities for two of these civil penalty provisions (sections 274A and 274C), and the Department of Justice (DOJ) has enforcement responsibilities for one of these civil penalty provisions (section 274B). The INA, in sections 274A and 274C, provides for imposition of civil penalties for various specified unlawful acts pertaining to the employment eligibility verification process (Form I–9, Employment Eligibility Verification),

the employment of unauthorized aliens, and document fraud.

Because both DHS and DOJ implement the three employment-related penalty sections in the INA, both Departments’ implementing regulations reflect the civil penalty amounts. For a complete description of the civil money penalties assessed and a discussion of DHS’s and DOJ’s efforts to update the penalties in years past, see the IFR preamble at 81 FR 42991. Below is a

table showing the 2023 adjustment for the penalties that ICE administers.¹³

TABLE 3—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier*	New penalty as adjusted by this final rule
Civil penalties for failure to depart voluntarily, INA section 240B(d).	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3)	\$1,746–\$8,736	1.07745	\$1,881–\$9,413.
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(A)	517–4,144	1.07745	557–4,465.
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(B)	438–3,494	1.07745	472–3,765.
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(C)	4,144–10,360	1.07745	4,465–11,162.
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(D)	3,494–8,736	1.07745	3,765–9,413.
Violation/prohibition of indemnity bonds	8 CFR 274a.8(b)	2,507	1.07745	\$2,701.
Civil penalties for knowingly hiring, recruiting, referral, or retention of unauthorized aliens—Penalty for first offense (per unauthorized alien).	8 CFR 274a.10(b)(1)(ii)(A)	\$627–\$5,016	1.07745	676–5,404.
Penalty for second offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(B)	5,016–12,537	1.07745	5,404–13,508.
Penalty for third or subsequent offense (per unauthorized alien) ..	8 CFR 274a.10(b)(1)(ii)(C)	7,523–25,076	1.07745	8,106–27,018.
Civil penalties for I–9 paperwork violations	8 CFR 274a.10(b)(2)	252–2,507	1.07745	272–2,701.
Civil penalties for failure to depart, INA section 274D	8 U.S.C. 1324d; 8 CFR 280.53(b)(14)	874	1.07745	942.

* Office of Mgmt. and Budget, Exec. Office of the President, M–23–05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>).

D. U.S. Coast Guard

The Coast Guard is authorized to assess 140 penalties involving maritime safety and security and environmental stewardship that are critical to the continued success of Coast Guard missions. Various statutes in titles 14, 16, 19, 33, 42, 46, and 49 of the U.S.C. authorize these penalties. Titles 33 and 46 authorize the vast majority of these penalties as these statutes deal with navigation, navigable waters, and shipping. For a complete discussion of the civil monetary penalties assessed by

the Coast Guard, see the 2016 IFR preamble at 81 FR 42992.

The Coast Guard has identified the penalties it administers, adjusted those penalties for inflation, and is listing those new penalties in a table located in the CFR—specifically, Table 1 in 33 CFR 27.3. Table 1 in 33 CFR 27.3 identifies the statutes that provide the Coast Guard with civil monetary penalty authority and sets out the inflation-adjusted maximum penalty that the Coast Guard may impose pursuant to each statutory provision. Table 1 in 33 CFR 27.3 provides the current

maximum penalty for violations that occurred after November 2, 2015.

The applicable civil penalty amounts for violations occurring on or before November 2, 2015, are set forth in previously published regulations amending 33 CFR part 27. To find the applicable penalty amount for a violation that occurred on or before November 2, 2015, look to the prior versions of the CFR that pertain to the date on which the violation occurred.

Table 4 below shows the 2023 adjustment for the penalties that the Coast Guard administers.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier*	New penalty as adjusted by this final rule
Saving Life and Property	14 U.S.C. 521(c)	\$11,649	1.07745	\$12,551
Saving Life and Property; Intentional Interference with Broadcast ...	14 U.S.C. 521(e)	1,195	1.07745	1,288
Confidentiality of Medical Quality Assurance Records (first offense)	14 U.S.C. 936(i); 33 CFR 27.3	5,851	1.07745	6,304
Confidentiality of Medical Quality Assurance Records (subsequent offenses).	14 U.S.C. 936(i); 33 CFR 27.3	39,011	1.07745	42,032
Obstruction of Revenue Officers by Masters of Vessels	19 U.S.C. 70; 33 CFR 27.3	8,723	1.07745	9,399
Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.	19 U.S.C. 70; 33 CFR 27.3	2,035	1.07745	2,193
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge.	19 U.S.C. 1581(d)	** 5,000	N/A	** 5,000
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty.	19 U.S.C. 1581(d)	** 1,000	N/A	** 1,000
Anchorage Ground/Harbor Regulations General	33 U.S.C. 471; 33 CFR 27.3	12,647	1.07745	13,627
Anchorage Ground/Harbor Regulations St. Mary's river	33 U.S.C. 474; 33 CFR 27.3	873	1.07745	941
Bridges/Failure to Comply with Regulations	33 U.S.C. 495(b); 33 CFR 27.3	31,928	1.07745	34,401
Bridges/Drawbridges	33 U.S.C. 499(c); 33 CFR 27.3	31,928	1.07745	34,401
Bridges/Failure to Alter Bridge Obstructing Navigation	33 U.S.C. 502(c); 33 CFR 27.3	31,928	1.07745	34,401
Bridges/Maintenance and Operation	33 U.S.C. 533(b); 33 CFR 27.3	31,928	1.07745	34,401
Bridge to Bridge Communication; Master, Person in Charge or Pilot	33 U.S.C. 1208(a); 33 CFR 27.3	2,326	1.07745	2,506
Bridge to Bridge Communication; Vessel	33 U.S.C. 1208(b); 33 CFR 27.3	2,326	1.07745	2,506

¹³ Table 3 also includes two civil penalties that are also listed as penalties administered by CBP. These are penalties for failure to depart voluntarily,

INA section 240B(d), and failure to depart after a final order of removal, INA section 274D. Both CBP and ICE may administer these penalties, but as ICE

is the DHS component primarily responsible for assessing and collecting them, they are also listed among the penalties ICE administers.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier *	New penalty as adjusted by this final rule
Oil/Hazardous Substances: Discharges (Class I per violation)	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	20,719	1.07745	22,324
Oil/Hazardous Substances: Discharges (Class I total under paragraph).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	51,796	1.07745	55,808
Oil/Hazardous Substances: Discharges (Class II per day of violation).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3	20,719	1.07745	22,324
Oil/Hazardous Substances: Discharges (Class II total under paragraph).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3	258,978	1.07745	279,036
Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3	51,796	1.07745	55,808
Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3	2,072	1.07745	2,233
Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	33 U.S.C. 1321(b)(7)(B); 33 CFR 27.3	51,796	1.07745	55,808
Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	33 U.S.C. 1321(b)(7)(C); 33 CFR 27.3	51,796	1.07745	55,808
Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3	6,215	1.07745	6,696
Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3	207,183	1.07745	223,229
Marine Sanitation Devices; Operating	33 U.S.C. 1322(j); 33 CFR 27.3	8,723	1.07745	9,399
Marine Sanitation Devices; Sale or Manufacture	33 U.S.C. 1322(j); 33 CFR 27.3	23,258	1.07745	25,059
International Navigation Rules; Operator	33 U.S.C. 1608(a); 33 CFR 27.3	16,307	1.07745	17,570
International Navigation Rules; Vessel	33 U.S.C. 1608(b); 33 CFR 27.3	16,307	1.07745	17,570
Pollution from Ships; General	33 U.S.C. 1908(b)(1); 33 CFR 27.3	81,540	1.07745	87,855
Pollution from Ships; False Statement	33 U.S.C. 1908(b)(2); 33 CFR 27.3	16,307	1.07745	17,570
Inland Navigation Rules; Operator	33 U.S.C. 2072(a); 33 CFR 27.3	16,307	1.07745	17,570
Inland Navigation Rules; Vessel	33 U.S.C. 2072(b); 33 CFR 27.3	16,307	1.07745	17,570
Shore Protection; General	33 U.S.C. 2609(a); 33 CFR 27.3	57,527	1.07745	61,982
Shore Protection; Operating Without Permit	33 U.S.C. 2609(b); 33 CFR 27.3	23,011	1.07745	24,793
Oil Pollution Liability and Compensation	33 U.S.C. 2716a(a); 33 CFR 27.3	51,796	1.07745	55,808
Clean Hulls	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3	47,424	1.07745	51,097
Clean Hulls—related to false statements	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3	63,232	1.07745	68,129
Clean Hulls—Recreational Vessel	33 U.S.C. 3852(c); 33 CFR 27.3	6,323	1.07745	6,813
Hazardous Substances, Releases, Liability, Compensation (Class I).	42 U.S.C. 9609(a); 33 CFR 27.3	62,689	1.07745	67,544
Hazardous Substances, Releases, Liability, Compensation (Class II).	42 U.S.C. 9609(b); 33 CFR 27.3	62,689	1.07745	67,544
Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	42 U.S.C. 9609(b); 33 CFR 27.3	188,069	1.07745	202,635
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	42 U.S.C. 9609(c); 33 CFR 27.3	62,689	1.07745	67,544
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	42 U.S.C. 9609(c); 33 CFR 27.3	188,069	1.07745	202,635
Safe Containers for International Cargo	46 U.S.C. 80509; 33 CFR 27.3	6,852	1.07745	7,383
Suspension of Passenger Service	46 U.S.C. 70305; 33 CFR 27.3	68,529	1.07745	73,837
Vessel Inspection or Examination Fees	46 U.S.C. 2110(e); 33 CFR 27.3	10,360	1.07745	11,162
Alcohol and Dangerous Drug Testing	46 U.S.C. 2115; 33 CFR 27.3	8,433	1.07745	9,086
Negligent Operations: Recreational Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	7,628	1.07745	8,219
Negligent Operations: Other Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	38,139	1.07745	41,093
Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	46 U.S.C. 2302(c)(1); 33 CFR 27.3	8,433	1.07745	9,086
Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	46 U.S.C. 2306(a)(4); 33 CFR 27.3	13,132	1.07745	14,149
Vessel Reporting Requirements: Master	46 U.S.C. 2306(b)(2); 33 CFR 27.3	2,627	1.07745	2,830
Immersion Suits	46 U.S.C. 3102(c)(1); 33 CFR 27.3	13,132	1.07745	14,149
Inspection Permit	46 U.S.C. 3302(i)(5); 33 CFR 27.3	2,739	1.07745	2,951
Vessel Inspection; General	46 U.S.C. 3318(a); 33 CFR 27.3	13,132	1.07745	14,149
Vessel Inspection; Nautical School Vessel	46 U.S.C. 3318(g); 33 CFR 27.3	13,132	1.07745	14,149
Vessel Inspection; Failure to Give Notice in accordance with (IAW) 3304(b).	46 U.S.C. 3318(h); 33 CFR 27.3	2,627	1.07745	2,830
Vessel Inspection; Failure to Give Notice IAW 3309(c)	46 U.S.C. 3318(i); 33 CFR 27.3	2,627	1.07745	2,830
Vessel Inspection; Vessel ≥1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3	26,269	1.07745	28,304
Vessel Inspection; Vessel <1600 Gross Tons (GT)	46 U.S.C. 3318(j)(1); 33 CFR 27.3	5,254	1.07745	5,661
Vessel Inspection; Failure to Comply with 3311(b)	46 U.S.C. 3318(k); 33 CFR 27.3	26,269	1.07745	28,304
Vessel Inspection; Violation of 3318(b)—3318(f)	46 U.S.C. 3318(l); 33 CFR 27.3	13,132	1.07745	14,149
List/count of Passengers	46 U.S.C. 3502(e); 33 CFR 27.3	273	1.07745	294
Notification to Passengers	46 U.S.C. 3504(c); 33 CFR 27.3	27,384	1.07745	29,505
Notification to Passengers; Sale of Tickets	46 U.S.C. 3504(c); 33 CFR 27.3	1,368	1.07745	1,474
Copies of Laws on Passenger Vessels; Master	46 U.S.C. 3506; 33 CFR 27.3	548	1.07745	590
Liquid Bulk/Dangerous Cargo	46 U.S.C. 3718(a)(1); 33 CFR 27.3	68,462	1.07745	73,764
Uninspected Vessels	46 U.S.C. 4106; 33 CFR 27.3	11,506	1.07745	12,397
Recreational Vessels (maximum for related series of violations)	46 U.S.C. 4311(b)(1); 33 CFR 27.3	362,217	1.07745	390,271
Recreational Vessels; Violation of 4307(a)	46 U.S.C. 4311(b)(1); 33 CFR 27.3	7,244	1.07745	7,805
Recreational vessels	46 U.S.C. 4311(c); 33 CFR 27.3	2,739	1.07745	2,951
Uninspected Commercial Fishing Industry Vessels	46 U.S.C. 4507; 33 CFR 27.3	11,506	1.07745	12,397
Abandonment of Barges	46 U.S.C. 4703; 33 CFR 27.3	1,949	1.07745	2,100
Load Lines	46 U.S.C. 5116(a); 33 CFR 27.3	12,537	1.07745	13,508
Load Lines; Violation of 5112(a)	46 U.S.C. 5116(b); 33 CFR 27.3	25,076	1.07745	27,018
Load Lines; Violation of 5112(b)	46 U.S.C. 5116(c); 33 CFR 27.3	12,537	1.07745	13,508

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier*	New penalty as adjusted by this final rule
Reporting Marine Casualties	46 U.S.C. 6103(a); 33 CFR 27.3	43,678	1.07745	47,061
Reporting Marine Casualties; Violation of 6104	46 U.S.C. 6103(b); 33 CFR 27.3	11,506	1.07745	12,397
Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	46 U.S.C. 8101(e); 33 CFR 27.3	2,072	1.07745	2,233
Manning of Inspected Vessels	46 U.S.C. 8101(f); 33 CFR 27.3	20,719	1.07745	22,324
Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	46 U.S.C. 8101(g); 33 CFR 27.3	20,719	1.07745	22,324
Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	46 U.S.C. 8101(h); 33 CFR 27.3	2,739	1.07745	2,951
Watchmen on Passenger Vessels	46 U.S.C. 8102(a)	2,739	1.07745	2,951
Citizenship Requirements	46 U.S.C. 8103(f)	1,368	1.07745	1,474
Watches on Vessels; Violation of 8104(a) or (b)	46 U.S.C. 8104(i)	20,719	1.07745	22,324
Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	46 U.S.C. 8104(j)	20,719	1.07745	22,324
Staff Department on Vessels	46 U.S.C. 8302(e)	273	1.07745	294
Officer's Competency Certificates	46 U.S.C. 8304(d)	273	1.07745	294
Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 8502(e)	20,719	1.07745	22,324
Coastwise Pilotage; Individual	46 U.S.C. 8502(f)	20,719	1.07745	22,324
Federal Pilots	46 U.S.C. 8503	65,666	1.07745	70,752
Merchant Mariners Documents	46 U.S.C. 8701(d)	1,368	1.07745	1,474
Crew Requirements	46 U.S.C. 8702(e)	20,719	1.07745	22,324
Small Vessel Manning	46 U.S.C. 8906	43,678	1.07745	47,061
Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 9308(a)	20,719	1.07745	22,324
Pilotage: Great Lakes; Individual	46 U.S.C. 9308(b)	20,719	1.07745	22,324
Pilotage: Great Lakes; Violation of 9303	46 U.S.C. 9308(c)	20,719	1.07745	22,324
Failure to Report Sexual Offense	46 U.S.C. 10104(b)	11,011	1.07745	11,864
Pay Advances to Seamen	46 U.S.C. 10314(a)(2)	1,368	1.07745	1,474
Pay Advances to Seamen; Remuneration for Employment	46 U.S.C. 10314(b)	1,368	1.07745	1,474
Allotment to Seamen	46 U.S.C. 10315(c)	1,368	1.07745	1,474
Seamen Protection; General	46 U.S.C. 10321	9,491	1.07745	10,226
Coastwise Voyages: Advances	46 U.S.C. 10505(a)(2)	9,491	1.07745	10,226
Coastwise Voyages: Advances; Remuneration for Employment	46 U.S.C. 10505(b)	9,491	1.07745	10,226
Coastwise Voyages: Seamen Protection; General	46 U.S.C. 10508(b)	9,491	1.07745	10,226
Effects of Deceased Seamen	46 U.S.C. 10711	548	1.07745	590
Complaints of Unfitness	46 U.S.C. 10902(a)(2)	1,368	1.07745	1,474
Proceedings on Examination of Vessel	46 U.S.C. 10903(d)	273	1.07745	294
Permission to Make Complaint	46 U.S.C. 10907(b)	1,368	1.07745	1,474
Accommodations for Seamen	46 U.S.C. 11101(f)	1,368	1.07745	1,474
Medicine Chests on Vessels	46 U.S.C. 11102(b)	1,368	1.07745	1,474
Destitute Seamen	46 U.S.C. 11104(b)	273	1.07745	294
Wages on Discharge	46 U.S.C. 11105(c)	1,368	1.07745	1,474
Log Books; Master Failing to Maintain	46 U.S.C. 11303(a)	548	1.07745	590
Log Books; Master Failing to Make Entry	46 U.S.C. 11303(b)	548	1.07745	590
Log Books; Late Entry	46 U.S.C. 11303(c)	411	1.07745	443
Carrying of Sheath Knives	46 U.S.C. 11506	137	1.07745	148
Vessel Documentation	46 U.S.C. 12151(a)(1)	17,935	1.07745	19,324
Documentation of Vessels—Related to Activities involving mobile offshore drilling units.	46 U.S.C. 12151(a)(2)	29,893	1.07745	32,208
Vessel Documentation; Fishery Endorsement	46 U.S.C. 12151(c)	137,060	1.07745	147,675
Numbering of Undocumented Vessels—Willful violation	46 U.S.C. 12309(a)	13,693	1.07745	14,754
Numbering of Undocumented Vessels	46 U.S.C. 12309(b)	2,739	1.07745	2,951
Vessel Identification System	46 U.S.C. 12507(b)	23,011	1.07745	24,793
Measurement of Vessels	46 U.S.C. 14701	50,154	1.07745	54,038
Measurement; False Statements	46 U.S.C. 14702	50,154	1.07745	54,038
Commercial Instruments and Maritime Liens	46 U.S.C. 31309	23,011	1.07745	24,793
Commercial Instruments and Maritime Liens; Mortgagor	46 U.S.C. 31330(a)(2)	23,011	1.07745	24,793
Commercial Instruments and Maritime Liens; Violation of 31329	46 U.S.C. 31330(b)(2)	57,527	1.07745	61,982
Ports and Waterway Safety Regulations	46 U.S.C. 70036(a); 33 CFR 27.3	103,050	1.07745	111,031
Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.	46 U.S.C. 70041(d)(1)(B); 33 CFR 27.3	10,360	1.07745	11,162
Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel.	46 U.S.C. 70041(d)(1)(C); 33 CFR 27.3	10,360	1.07745	11,162
Vessel Navigation: Regattas or Marine Parades; Other Persons	46 U.S.C. 70041(d)(1)(D); 33 CFR 27.3	5,179	1.07745	5,580
Port Security	46 U.S.C. 70119(a)	38,139	1.07745	41,093
Port Security—Continuing Violations	46 U.S.C. 70119(b)	68,529	1.07745	73,837
Maritime Drug Law Enforcement	46 U.S.C. 70506(c)	6,323	1.07745	6,813
Hazardous Materials: Related to Vessels	49 U.S.C. 5123(a)(1)	89,678	1.07745	96,624
Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or substantial Damage to Property.	49 U.S.C. 5123(a)(2)	209,249	1.07745	225,455
Hazardous Materials: Related to Vessels; Training	49 U.S.C. 5123(a)(3)	540	1.07745	582

* Office of Mgmt. and Budget, Exec. Office of the President, M-23-05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>).

** Enacted under the Tariff Act; exempt from inflation adjustments.

E. Transportation Security Administration

The Transportation Security Administration (TSA) is updating its civil penalties regulation in accordance with the 2015 Act. Pursuant to its statutory authority in 49 U.S.C. 46301(a)(1), (4), (5), (6), 49 U.S.C. 46301(d)(2), (8), and 49 U.S.C. 114(u), TSA may impose penalties for violations of statutes that TSA administers, including penalties for

violations of implementing regulations or orders. Note that pursuant to division K, title I, sec. 1904(b)(1)(I), of Public Law 115–254, 132 Stat. 3186, 3545 (Oct. 5, 2018), the TSA Modernization Act—part of the FAA Reauthorization Act of 2018—the former 49 U.S.C. 114(v), which relates to penalties, was re-designated as 49 U.S.C. 114(u).

TSA assesses these penalties for a wide variety of aviation and surface security requirements, including

violations of TSA’s requirements applicable to Transportation Worker Identification Credentials (TWIC),¹⁴ as well as violations of requirements described in chapter 449 of title 49 of the U.S.C. These penalties can apply to a wide variety of situations, as described in the statutory and regulatory provisions, as well as in guidance that TSA publishes. Below is a table showing the 2023 adjustment for the penalties that TSA administers.

TABLE 5—TRANSPORTATION SECURITY ADMINISTRATION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2022 FR	Multiplier*	New penalty as adjusted by this final rule
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by a person operating an aircraft for the transportation of passengers or property for compensation.	49 U.S.C. 46301(a)(1), (4), (5), (6); 49 U.S.C. 46301(d)(2), (8); 49 CFR 1503.401(c)(3).	\$37,377 (up to a total of \$598,026 per civil penalty action).	1.07745	\$40,272 (up to a total of \$644,343 per civil penalty action).
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by an individual (except an airman serving as an airman), any person not operating an aircraft for the transportation of passengers or property for compensation, or a small business concern.	49 U.S.C. 46301(a)(1), (4), (5); 49 U.S.C. 46301(d)(8); 49 CFR 1503.401(c).	\$14,950 (up to a total of \$74,754 for individuals or small businesses, \$598,026 for others).	1.07745	\$16,108 (up to a total of \$80,544 for individuals or small businesses, \$644,343 for others).
Violation of any other provision of title 49 U.S.C. or of 46 U.S.C. ch. 701, a regulation prescribed, or order issued thereunder.	49 U.S.C. 114(u); 49 CFR 1503.401(b).	\$12,794 (up to a total of \$63,973 total for individuals or small businesses, \$511,780 for others).	1.07745	\$13,785 (up to a total of \$68,928 total for individuals or small businesses, \$551,417 for others).

* Office of Mgmt. and Budget, Exec. Office of the President, M–23–05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>).

IV. Administrative Procedure Act

DHS is promulgating this final rule to ensure that the amount of civil penalties that DHS assesses or enforces reflects the statutorily mandated ranges as adjusted for inflation. The 2015 Act provides a clear formula for adjustment of the civil penalties, leaving DHS and its components with little room for discretion. DHS and its components have been charged only with performing ministerial computations to determine the amounts of adjustments for inflation to civil monetary penalties. In these annual adjustments DHS is merely updating the penalty amounts by applying the cost-of-living adjustment multiplier that OMB has provided to agencies. Furthermore, the 2015 Act specifically instructed that agencies make the required annual adjustments notwithstanding section 553 of title 5 of the U.S.C. Thus, as specified in the 2015 Act, the prior public notice-and-

comment procedures and delayed effective date requirements of the Administrative Procedure Act (APA) do not apply to this rule. Further, as described above, this rule makes minor amendments to the regulations to reflect changes required by clear statutory authority, and DHS finds that prior notice and comment procedures and a delayed effective date for these amendments are unnecessary.

V. Regulatory Analyses

A. Executive Orders 12866 and 13563

Executive Orders 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the 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, of reducing costs, of harmonizing rules, and of promoting flexibility.

OMB has not designated this final rule a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this rule.

This final rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the 2015 Act and OMB guidance.¹⁵ DHS therefore did not consider alternatives and does not have the flexibility to alter the adjustments of the civil monetary penalty amounts as provided in this rule. To the extent this final rule increases civil monetary penalties, it would result in an increase in transfers from persons or entities

¹⁴ See, e.g., 46 U.S.C. 70105, 49 U.S.C. 46302 and 46303, and 49 U.S.C. chapter 449.

¹⁵ Office of Mgmt. and Budget, Exec. Office of the President, M–23–05, Implementation of Penalty Inflation Adjustments for 2023, Pursuant to the Federal Civil Penalties Inflation Adjustment Act

Improvements Act of 2015 (Dec. 15, 2022) (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-05-CMP-CMP-Guidance.pdf>).

assessed a civil monetary penalty to the government.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). See 5 U.S.C. 601–612. The Regulatory Flexibility Act does not apply to this final rule because a notice of proposed rulemaking was not required for the reasons stated above.

C. Unfunded Mandates Reform Act

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.

D. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule, because this final rule does not trigger any new or revised recordkeeping or reporting.

VI. Signing Authorities

The amendments to 19 CFR part 4 in this document are issued in accordance with 19 CFR 0.2(a), which provides that the authority of the Secretary of the Treasury with respect to CBP regulations that are not related to customs revenue functions was transferred to the Secretary of Homeland Security pursuant to Section 403(l) of the Homeland Security Act of 2002. Accordingly, this final rule to amend such regulations may be signed by the Secretary of Homeland Security (or his or her delegate).

List of Subjects

6 CFR Part 27

Reporting and recordkeeping requirements, Security measures.

8 CFR Part 270

Administrative practice and procedure, Aliens, Employment, Fraud, Penalties.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

8 CFR Part 280

Administrative practice and procedure, Immigration, Penalties.

19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

33 CFR Part 27

Administrative practice and procedure, Penalties.

49 CFR Part 1503

Administrative practice and procedure, Investigations, Law enforcement, Penalties.

Amendments to the Regulations

Accordingly, for the reasons stated in the preamble, DHS is amending 6 CFR part 27, 8 CFR parts 270, 274a, and 280, 19 CFR part 4, 33 CFR part 27, and 49 CFR part 1503 as follows:

Title 6—Domestic Security

PART 27—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

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

Authority: 6 U.S.C. 624; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599; Pub. L. 113–254, 128 Stat. 2898, as amended by Pub. L. 116–150, 134 Stat. 679.

■ 2. In § 27.300, revise paragraph (b)(3) to read as follows:

§ 27.300 Orders.

* * * * *

(b) * * *
(3) Where the Executive Assistant Director determines that a facility is in violation of an Order issued pursuant to paragraph (a) of this section and issues an Order Assessing Civil Penalty pursuant to paragraph (b)(1) of this section, a chemical facility is liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues, if the violation of the Order occurred on or before November 2, 2015, or \$41,093 for each day during which the violation of the Order continues, if the violation occurred after November 2, 2015.

* * * * *

Title 8—Aliens and Nationality

PART 270—PENALTIES FOR DOCUMENT FRAUD

■ 3. The authority citation for part 270 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, and 1324c; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321 and Pub. L. 114–74, 129 Stat. 599.

■ 4. In § 270.3, revise paragraphs (b)(1)(ii)(A) through (D) to read as follows:

§ 270.3 Penalties.

* * * * *
(b) * * *
(1) * * *
(ii) * * *

(A) *First offense under section 274C(a)(1) through (a)(4).* Not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$375 and not exceeding \$3,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act on or after March 27, 2008, and on or before November 2, 2015; and not less than \$557 and not exceeding \$4,465 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(B) *First offense under section 274C(a)(5) or (a)(6).* Not less than \$250 and not exceeding \$2,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act on or after March 27, 2008, and on or before November 2, 2015; and not less than \$472 and not exceeding \$3,765 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

(C) *Subsequent offenses under section 274C(a)(1) through (a)(4).* Not less than \$2,200 and not more than \$5,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$3,200 and not exceeding \$6,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$4,465 and not more than \$11,162 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(D) *Subsequent offenses under section 274C(a)(5) or (a)(6).* Not less than \$2,000 and not more than \$5,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$2,200 and not exceeding \$5,500 for each fraudulent

document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act occurring on or after March 27, 2008, and on or before November 2, 2015; and not less than \$3,765 and not more than \$9,413 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

* * * * *

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1105a, 1324a; 48 U.S.C. 1806; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599; Title VII of Pub. L. 110–229, 122 Stat. 754; Pub. L. 115–218, 132 Stat. 1547; 8 CFR part 2.

■ 6. In § 274a.8, revise paragraph (b) to read as follows:

§ 274a.8 Prohibition of indemnity bonds.

* * * * *

(b) *Penalty.* Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil monetary penalty of \$1,000 for each violation before September 29, 1999, of \$1,100 for each violation occurring on or after September 29, 1999, but on or before November 2, 2015, and of \$2,701 for each violation occurring after November 2, 2015, and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

■ 7. In § 274a.10, revise paragraphs (b)(1)(ii)(A) through (C) and the first sentence of paragraph (b)(2) introductory text to read as follows:

§ 274a.10 Penalties.

* * * * *

- (b) * * *
- (1) * * *
- (ii) * * *

(A) First offense—not less than \$275 and not more than \$2,200 for each unauthorized alien with respect to whom the offense occurred before March 27, 2008; not less than \$375 and not exceeding \$3,200, for each unauthorized alien with respect to whom the offense occurred occurring on or after March 27, 2008, and on or before November 2, 2015; and not less than \$676 and not more than \$5,404 for each unauthorized alien with respect to

whom the offense occurred occurring after November 2, 2015;

(B) Second offense—not less than \$2,200 and not more than \$5,500 for each unauthorized alien with respect to whom the second offense occurred before March 27, 2008; not less than \$3,200 and not more than \$6,500, for each unauthorized alien with respect to whom the second offense occurred on or after March 27, 2008, and on or before November 2, 2015; and not less than \$5,404 and not more than \$13,508 for each unauthorized alien with respect to whom the second offense occurred after November 2, 2015; or

(C) More than two offenses—not less than \$3,300 and not more than \$11,000 for each unauthorized alien with respect to whom the third or subsequent offense occurred before March 27, 2008; not less than \$4,300 and not exceeding \$16,000, for each unauthorized alien with respect to whom the third or subsequent offense occurred on or after March 27, 2008, and on or before November 2, 2015; and not less than \$8,106 and not more than \$27,018 for each unauthorized alien with respect to whom the third or subsequent offense occurred after November 2, 2015; and

* * * * *

(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an administrative law judge, to have failed to comply with the employment verification requirements as set forth in § 274a.2(b), shall be subject to a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred before September 29, 1999; not less than \$110 and not more than \$1,100 for each individual with respect to whom such violation occurred on or after September 29, 1999, and on or before November 2, 2015; and not less than \$272 and not more than \$2,701 for each individual with respect to whom such violation occurred after November 2, 2015. * * *

* * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

■ 8. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 9. In § 280.53, revise paragraphs (b)(1) through (15) to read as follows:

§ 280.53 Civil monetary penalties inflation adjustment.

* * * * *

(b) * * *

(1) Section 231(g) of the Act, penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States: From \$1,525 to \$1,643.

(2) Section 234 of the Act, penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$4,144 to \$4,465.

(3) Section 240B(d) of the Act, penalties for failure to depart voluntarily: From \$1,746 minimum/\$8,736 maximum to \$1,881 minimum/\$9,413 maximum.

(4) Section 243(c)(1)(A) of the Act, penalties for violations of removal orders relating to aliens transported on vessels or aircraft, under section 241(d) of the Act, or for costs associated with removal under section 241(e) of the Act: From \$3,494 to \$3,765.

(5) Penalties for failure to remove alien stowaways under section 241(d)(2) of the Act: From \$8,736 to \$9,413.

(6) Section 251(d) of the Act, penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the Act: From \$414 to \$446; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$10,360 to \$11,162.

(7) Section 254(a) of the Act, penalties for failure to control, detain, or remove alien crewmen: From \$1,036 minimum/\$6,215 maximum to \$1,116 minimum/\$6,696 maximum.

(8) Section 255 of the Act, penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From \$2,072 to \$2,232.

(9) Section 256 of the Act, penalties for discharge of alien crewmen: From \$3,107 minimum/\$6,215 maximum to \$3,348 minimum/\$6,696 maximum.

(10) Section 257 of the Act, penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$20,719 maximum to \$22,324 maximum.

(11) Section 271(a) of the Act, penalties for failure to prevent the unauthorized landing of aliens: From \$6,215 to \$6,696.

(12) Section 272(a) of the Act, penalties for bringing to the United States aliens subject to denial of admission on a health-related ground: From \$6,215 to \$6,696.

(13) Section 273(b) of the Act, penalties for bringing to the United States aliens without required documentation: From \$6,215 to \$6,696.

(14) Section 274D of the Act, penalties for failure to depart: From \$874 maximum to \$942 maximum, for each day the alien is in violation.

(15) Section 275(b) of the Act, penalties for improper entry: From \$87 minimum/\$438 maximum to \$94 minimum/\$472 maximum, for each entry or attempted entry.

Title 19—Customs Duties

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

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

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

* * * * *

Sections 4.80, 4.80a, and 4.80b also issued under 19 U.S.C. 1706a; 28 U.S.C. 2461 note; 46 U.S.C. 12112, 12117, 12118, 50501–55106, 55107, 55108, 55110, 55114, 55115, 55116, 55117, 55119, 56101, 55121, 56101, 57109; Pub. L. 108–7, Division B, Title II, § 211;

* * * * *

Section 4.92 also issued under 28 U.S.C. 2461 note; 46 U.S.C. 55111;

* * * * *

■ 11. In § 4.80, revise paragraphs (b)(2) and (i) to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

* * * * *

(b) * * *

(2) The penalty imposed for the unlawful transportation of passengers between coastwise points is \$300 for each passenger so transported and landed on or before November 2, 2015, and \$941 for each passenger so transported and landed after November 2, 2015 (46 U.S.C. 55103, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

* * * * *

(i) Any vessel, entitled to be documented and not so documented, employed in a trade for which a Certificate of Documentation is issued under the vessel documentation laws (see § 4.0(c)), other than a trade covered by a registry, is liable to a civil penalty of \$500 for each port at which it arrives without the proper Certificate of Documentation on or before November 2, 2015, and \$1,566 for each port at which it arrives without the proper Certificate of Documentation after November 2, 2015 (19 U.S.C. 1706a, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015). If such a vessel has on board any foreign merchandise (sea stores excepted), or any domestic taxable alcoholic beverages, on which the duty and taxes have not been paid or secured to be paid, the vessel and its cargo are subject to seizure and forfeiture.

■ 12. In § 4.92, revise the third sentence to read as follows:

§ 4.92 Towing.

* * * The penalties for violation of this section occurring after November 2, 2015, are a fine of from \$1,096 to \$3,446 against the owner or master of the towing vessel and a further penalty against the towing vessel of \$187 per ton of the towed vessel (46 U.S.C. 55111, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

Title 33—Navigation and Navigable Waters

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

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

Authority: Secs. 1–6, Pub. L. 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104–134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 14. In § 27.3, revise the third sentence of the introductory text and table 1 to read as follows:

§ 27.3 Penalty adjustment table.

* * * The adjusted civil penalty amounts listed in Table 1 to this section are applicable for penalty assessments issued after January 13, 2023, with respect to violations occurring after November 2, 2015.* * *

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

Table with 3 columns: U.S. code citation, Civil monetary penalty description, and 2023 Adjusted maximum penalty amount (\$). Rows include various U.S.C. citations and descriptions of penalties such as 'Saving Life and Property', 'Confidentiality of Medical Quality Assurance Records', and 'Oil/Hazardous Substances: Discharges'.

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. code citation	Civil monetary penalty description	2023 Adjusted maximum penalty amount (\$)
33 U.S.C. 1322(j)	Marine Sanitation Devices; Operating	9,399
33 U.S.C. 1322(j)	Marine Sanitation Devices; Sale or Manufacture	25,059
33 U.S.C. 1608(a)	International Navigation Rules; Operator	17,570
33 U.S.C. 1608(b)	International Navigation Rules; Vessel	17,570
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	87,855
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	17,570
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	17,570
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	17,570
33 U.S.C. 2609(a)	Shore Protection; General	61,982
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	24,793
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	55,808
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	51,097
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; related to false statements	68,129
33 U.S.C. 3852(c)	Clean Hulls; Recreational Vessels	6,813
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I)	67,544
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II)	67,544
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense)	202,635
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	67,544
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense)	202,635
46 U.S.C. 80509(a)	Safe Containers for International Cargo	7,383
46 U.S.C. 70305(c)	Suspension of Passenger Service	73,837
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	11,162
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	9,086
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	8,219
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	41,093
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	9,086
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent	14,149
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	2,830
46 U.S.C. 3102(c)(1)	Immersion Suits	14,149
46 U.S.C. 3302(i)(5)	Inspection Permit	2,952
46 U.S.C. 3318(a)	Vessel Inspection; General	14,149
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	14,149
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice in accordance with (IAW) 3304(b)	2,830
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c)	2,830
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥1600 Gross Tons	28,303
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel <1600 Gross Tons (GT)	5,661
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	28,303
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	14,149
46 U.S.C. 3502(e)	List/count of Passengers	294
46 U.S.C. 3504(c)	Notification to Passengers	29,505
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	1,474
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	590
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	73,764
46 U.S.C. 4106	Uninspected Vessels	12,397
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	390,271
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	7,805
46 U.S.C. 4311(c)	Recreational Vessels	2,951
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels	12,397
46 U.S.C. 4703	Abandonment of Barges	2,100
46 U.S.C. 5116(a)	Load Lines	13,508
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	27,018
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	13,508
46 U.S.C. 6103(a)	Reporting Marine Casualties	47,061
46 U.S.C. 6103(b)	Reporting Marine Casualties; Violation of 6104	12,397
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	2,233
46 U.S.C. 8101(f)	Manning of Inspected Vessels	22,324
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by U.S. Coast Guard (USCG).	22,324
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	2,951
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	2,951
46 U.S.C. 8103(f)	Citizenship Requirements	1,474
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	22,324
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	22,324
46 U.S.C. 8302(e)	Staff Department on Vessels	294
46 U.S.C. 8304(d)	Officer's Competency Certificates	294
46 U.S.C. 8502(e)	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge	22,324
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	22,324
46 U.S.C. 8503	Federal Pilots	70,752
46 U.S.C. 8701(d)	Merchant Mariners Documents	1,474
46 U.S.C. 8702(e)	Crew Requirements	22,324
46 U.S.C. 8906	Small Vessel Manning	47,061
46 U.S.C. 9308(a)	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge	22,324
46 U.S.C. 9308(b)	Pilotage: Great Lakes; Individual	22,324
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	22,324
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	11,864
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1,474
46 U.S.C. 10314(b)	Pay Advances to Seamen; Remuneration for Employment	1,474
46 U.S.C. 10315(c)	Allotment to Seamen	1,474

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. code citation	Civil monetary penalty description	2023 Adjusted maximum penalty amount (\$)
46 U.S.C. 10321	Seamen Protection; General	10,226
46 U.S.C. 10505(a)(2)	Coastwise Voyages: Advances	10,226
46 U.S.C. 10505(b)	Coastwise Voyages: Advances; Remuneration for Employment	10,226
46 U.S.C. 10508(b)	Coastwise Voyages: Seamen Protection; General	10,226
46 U.S.C. 10711	Effects of Deceased Seamen	590
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1,474
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	294
46 U.S.C. 10907(b)	Permission to Make Complaint	1,474
46 U.S.C. 11101(f)	Accommodations for Seamen	1,474
46 U.S.C. 11102(b)	Medicine Chests on Vessels	1,474
46 U.S.C. 11104(b)	Destitute Seamen	294
46 U.S.C. 11105(c)	Wages on Discharge	1,474
46 U.S.C. 11303(a)	Log Books; Master Failing to Maintain	590
46 U.S.C. 11303(b)	Log Books; Master Failing to Make Entry	590
46 U.S.C. 11303(c)	Log Books; Late Entry	443
46 U.S.C. 11506	Carrying of Sheath Knives	148
46 U.S.C. 12151(a)(1)	Vessel Documentation	19,324
46 U.S.C. 12151(a)(2)	Documentation of Vessels—Related to activities involving mobile offshore drilling units	32,208
46 U.S.C. 12151(c)	Vessel Documentation; Fishery Endorsement	147,675
46 U.S.C. 12309(a)	Numbering of Undocumented Vessels—Willful violation	14,754
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	2,951
46 U.S.C. 12507(b)	Vessel Identification System	24,793
46 U.S.C. 14701	Measurement of Vessels	54,038
46 U.S.C. 14702	Measurement; False Statements	54,038
46 U.S.C. 31309	Commercial Instruments and Maritime Liens	24,793
46 U.S.C. 31330(a)(2)	Commercial Instruments and Maritime Liens; Mortgagor	24,793
46 U.S.C. 31330(b)(2)	Commercial Instruments and Maritime Liens; Violation of 31329	61,982
46 U.S.C. 70036(a)	Ports and Waterways Safety Regulations	111,031
46 U.S.C. 70041(d)(1)(B)	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	11,162
46 U.S.C. 70041(d)(1)(C)	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	11,162
46 U.S.C. 70041(d)(1)(D)	Vessel Navigation: Regattas or Marine Parades; Other Persons	5,580
46 U.S.C. 70119(a)	Port Security	41,093
46 U.S.C. 70119(b)	Port Security—Continuing Violations	73,837
46 U.S.C. 70506	Maritime Drug Law Enforcement; Penalties	6,813
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Maximum Penalty	96,624
49 U.S.C. 5123(a)(2)	Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or Substantial Damage to Property.	225,455
49 U.S.C. 5123(a)(3)	Hazardous Materials: Related to Vessels—Training	582

¹ Enacted under the Tariff Act of 1930 exempt from inflation adjustments.

Title 49—Transportation

PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

■ 15. The authority citation for part 1503 continues to read as follows:

Authority: 6 U.S.C. 1142; 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 114, 20109, 31105, 40113–40114, 40119, 44901–44907, 46101–46107, 46109–46110, 46301, 46305, 46311, 46313–46314; Pub. L. 104–134, as amended by Pub. L. 114–74.

■ 16. In § 1503.401, revise paragraphs (b)(1) and (2) and (c)(1), (2), and (3) to read as follows:

§ 1503.401 Maximum penalty amounts.

* * * * *

(b) * * *

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern (“small business concern” as defined in section 3 of the Small Business Act (15 U.S.C. 632)). For violations that occurred after November 2, 2015, \$13,785 per violation, up to a total of

\$68,928 per civil penalty action, in the case of an individual or small business concern; and

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person. For violations that occurred after November 2, 2015, \$13,785 per violation, up to a total of \$551,417 per civil penalty action, in the case of any other person.

(c) * * *

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern (“small business concern” as defined in section 3 of the Small Business Act (15 U.S.C. 632)). For violations that occurred after November 2, 2015, \$16,108 per violation, up to a total of \$80,544 per civil penalty action, in the case of an individual (except an airman serving as an airman), or a small business concern.

(2) For violations that occurred on or before November 2, 2015, \$10,000 per

violation, up to a total of \$400,000 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation. For violations that occurred after November 2, 2015, \$16,108 per violation, up to a total of \$644,343 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation.

(3) For violations that occurred on or before November 2, 2015, \$25,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman). For violations that occurred after November 2, 2015, \$40,272 per violation, up to a total of \$644,343 per civil penalty action, in the case of a person (except an individual serving as an airman) operating an aircraft for the transportation of

passengers or property for compensation.

Jonathan E. Meyer,
General Counsel, U.S. Department of Homeland Security.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

[NRC-2022-0205]

Revision of the NRC Enforcement Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Revision to policy statement.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing a revision to its Enforcement Policy. This revision addresses the requirements of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which requires Federal agencies to adjust their maximum civil monetary penalty amounts annually for inflation.

DATES: This action is effective on January 13, 2023.

ADDRESSES: Please refer to Docket ID NRC-2022-0205 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-2022-0205. Address questions about NRC dockets to Dawn Forder; telephone: 301-415-3407; email: Dawn.Forder@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.

- *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 or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Susanne Woods, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-287-9446, email: Susanne.Woods@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

In 1990, Congress passed the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA) to provide for regular adjustments for inflation of civil monetary penalties (CMPs). As amended by the Debt Collection Improvement Act of 1996, the FCPIAA required that the head of each Federal agency review and, if necessary, adjust by regulation the CMPs assessed under statutes enforced

by the agency at least once every 4 years.

On November 2, 2015, the President of the United States signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Improvements Act), which further amended the FCPIAA and requires Federal agencies to adjust their CMPs annually for inflation no later than January 15 of each year. The requirements of the 2015 Improvements Act apply to the NRC's maximum CMP amounts for (1) a violation of the Atomic Energy Act (AEA) of 1954, as amended, or any regulation or order issued under the AEA, codified in § 2.205(j) of Title 10 of the *Code of Federal Regulations* (10 CFR), "Civil penalties"; and (2) a false claim or statement made under the Program Fraud Civil Remedies Act, codified in § 13.3, "Basis for civil penalties and assessments."

Pursuant to the 2015 Improvements Act, the NRC published today in the Rules section of the **Federal Register** the revised maximum daily base CMP, based on the percentage change in the consumer price index between October 2021 and October 2022, and codified in § 2.205. In connection with this final rule, the NRC is publishing a corresponding update to the NRC's Enforcement Policy to adjust the monetary amounts listed in Section 8.0, "Table of Base Civil Penalties." This monetary adjustment does not include item f. since its monetary value is based on the estimated or actual cost of authorized disposal and is not calculated based on the monetary value codified in § 2.205(j). Adjustments to item f. base civil penalty amounts are being examined under a separate effort.

Accordingly, the NRC has revised its Enforcement Policy to read as follows:

8.0—TABLE OF BASE CIVIL PENALTIES
[Table A]

a. Power reactors, gaseous diffusion uranium enrichment plants, and high-level waste repository	\$350,000
b. Fuel fabricators authorized to possess Category I or II quantities of SNM and uranium conversion facilities	175,000
c. All other fuel fabricators, including facilities under construction, authorized to possess Category III quantities of SNM, industrial processors, independent spent fuel and monitored retrievable storage installations, mills, gas centrifuge and laser uranium enrichment facilities	87,500
d. Test reactors, contractors, waste disposal licensees, industrial radiographers, and other large material users	35,000
e. Research reactors, academic, medical, or other small material users	17,500
f. Loss, abandonment, or improper transfer or disposal of regulated material, regardless of the use or type of licensee:	
1. Sources or devices with a total activity greater than 3.7 × 10 ⁴ MBq (1 Curie), excluding hydrogen-3 (tritium)	54,000
2. Other sources or devices containing the materials and quantities listed in 10 CFR 31.5(c)(13)(i)	17,000
3. Sources and devices not otherwise described above	7,000
g. Individuals who release safeguards information	8,750

II. Paperwork Reduction Act Statement

This policy statement does not contain any new or amended collection

of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). Existing collections of

information were approved by the Office of Management and Budget