

Rules and Regulations

Federal Register

Vol. 85, No. 117

Wednesday, June 17, 2020

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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-AA95

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) is making the 2020 annual inflation adjustment to its civil monetary penalties. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) was signed into law on November 2, 2015. Pursuant to the 2015 Act, all agencies must adjust civil monetary penalties annually and publish the adjustment in the **Federal Register**. Accordingly, this final rule adjusts DHS's civil monetary penalties for 2020 pursuant to the 2015 Act and OMB guidance. The new penalties will be effective for penalties assessed after June 17, 2020 whose associated violations occurred after November 2, 2015.

DATES: This rule is effective on June 17, 2020.

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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 DHS made the 2018 annual inflation adjustment on April 2, 2018.⁶ DHS made the 2019 annual inflation adjustment on April 5, 2019.⁷

II. Overview of the Final Rule

This final rule makes the 2020 annual inflation adjustments to civil monetary penalties pursuant to the 2015 Act and pursuant to guidance OMB issued to agencies on December 16, 2019.⁸ The penalty amounts in this final rule will be effective for penalties assessed after June 17, 2020 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

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 fall under the Tariff Act of 1930, and thus DHS did not adjust those civil penalties in this rulemaking.

³ See 81 FR 42987.

⁴ OMB, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Table A, 24 February 2016. <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-06.pdf> (last accessed Dec. 5, 2017).

⁵ See 82 FR 8571.

⁶ See 83 FR 13826.

⁷ See 84 FR 13499.

⁸ OMB Memorandum M-20-05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 16, 2019. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf>.

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

² The 2015 Act applies to all agency civil penalties except for any penalty (including any addition to tax and additional amount) under the

relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2020. 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 2019 final rule, (4) the cost-of-living adjustment multiplier for 2020 that OMB provided in its December 16, 2019, guidance, and (5) the new 2020 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), U.S. Customs and Border Protection (CBP), 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. 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).⁹ The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR). Below is a table showing the 2020 adjustment for the CFATS penalty that CISA administers.

TABLE 1—CFATS CIVIL PENALTY ADJUSTMENT

Penalty name	Citation	Penalty amount as adjusted in the 2019 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).	\$34,871 per day	1.01764	\$35,486 per day.

* OMB Memorandum M–20–05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 16, 2019. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf>.

B. U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) assesses civil monetary penalties under various titles of the United States Code 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 are located 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 DHS’s and CBP’s adjustments to the non-INA penalties, see the 2019 annual inflation adjustment final rule preamble at 84 FR 13500.

Below is a table showing the 2020 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 2019 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)).	\$1,394	1.01764	\$1,419.
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).	\$3,788	1.01764	\$3,855.
Penalties for failure to depart voluntarily	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3) (INA section 240B(d)).	\$1,597–\$7,987	1.01764	\$1,625–\$8,128.

⁹ 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. The Chemical Facility Anti-Terrorism Standards Program Extension Act (Pub. L. 116–2) extends the CFATS program authorization to April 17, 2020.

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

Penalty name	Citation	Penalty amount as adjusted in the 2019 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)).	\$3,195	1.01764	\$3,251.
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)).	\$7,987	1.01764	\$8,128.
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)).	\$378 for each alien	1.01764	\$385 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)).	\$9,472	1.01764	\$9,639.
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)).	\$947–\$5,683	1.01764	\$964–\$5,783.
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).	\$1,895	1.01764	\$1,928.
Penalties for discharge of alien crewmen	8 U.S.C. 1286; 8 CFR 280.53(b)(9) (INA section 256).	\$2,841–\$5,683	1.01764	\$2,891–\$5,783.
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).	\$18,943	1.01764	\$19,277.
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)).	\$5,683	1.01764	\$5,783.
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)).	\$5,683	1.01764	\$5,783.
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)).	\$5,683	1.01764	\$5,783.
Penalties for failure to depart	8 U.S.C. 1324d; 8 CFR 280.53(b)(14) (INA section 274D).	\$799	1.01764	\$813.
Penalties for improper entry	8 U.S.C. 1325(b); 8 CFR 280.53(b)(15) (INA section 275(b)).	\$80–\$400	1.01764	\$81–\$407.
Penalty for dealing in or using empty stamped imported liquor containers.	19 U.S.C. 469	\$531	1.01764	** 540.
Penalty for employing a vessel in a trade without a required Certificate of Documentation**.	19 U.S.C. 1706a; 19 CFR 4.80(i).	\$1,329	1.01764	\$1,352.
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)	\$531	1.01764	** 540.
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).	\$798	1.01764	\$812.
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.	\$930–\$2,924 plus \$159; per ton.	1.01764	\$946–\$2,976, plus \$162 per ton.

* OMB Memorandum M–20–05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 16, 2019. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.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 2020 adjustment for the penalties that ICE administers.¹⁰

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

Penalty name	Citation	Penalty amount as adjusted in the 2019 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).	\$1,597–\$7,987	1.01764	\$1,625–\$8,128
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(A) ...	473–3,788	1.01764	481–3,855
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(B) ...	400–3,195	1.01764	407–3,251
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(C) ...	3,788–9,472	1.01764	3,855–9,639
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(D) ...	3,195–7,987	1.01764	3,251–8,128
Violation/prohibition of indemnity bonds	8 CFR 274a.8(b)	2,292	1.01764	2,332
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)	573–4,586	1.01764	583–4,667
Penalty for second offense (per unauthorized alien) ...	8 CFR 274a.10(b)(1)(ii)(B)	4,586–11,463	1.01764	4,667–11,665
Penalty for third or subsequent offense (per unauthorized alien).	8 CFR 274a.10(b)(1)(ii)(C)	6,878–22,927	1.01764	6,999–23,331
Civil penalties for I–9 paperwork violations	8 CFR 274a.10(b)(2)	230–2,292	1.01764	234–2,332
Civil penalties for failure to depart, INA section 274D	8 U.S.C. 1324d; 8 CFR 280.53(b)(14).	799	1.01764	813

* OMB Memorandum M–20–05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 16, 2019. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf>.

D. U.S. Coast Guard

The Coast Guard is authorized to assess close to 150 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 United States Code authorize these penalties. Titles 33 and 46 authorize the vast majority of these penalties as these statutes deal with navigation, navigable waters, and shipping. Beyond titles 33 and 46, the Coast Guard is also authorized to collect civil monetary penalties related to the organization and management of the Coast Guard, obstruction of revenue, and hazardous substances and materials. 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, 2015.¹¹

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.

With this update, the Coast Guard is removing the penalty for “Aquatic Nuisance Species in the Waters of the United States,” 16 U.S.C. 4711(g)(1), because section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act (codified at 16 U.S.C. 4711) was repealed by section 903(a)(2)(A)(i) of Public Law 115–282, effective December 4, 2018. Table 4 below shows the 2020 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 2019 FR	Multiplier *	New penalty as adjusted by this final rule
Saving Life and Property	14 U.S.C. 521(c)	\$10,651	1.01764	\$10,839

¹⁰ 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.

¹¹ The Frank LoBiondo Coast Guard Authorization Act of 2018 re-designated certain

existing sections of the United States Code, including 14 U.S.C. 88 (now 14 U.S.C. 521) and 33 U.S.C. 1232 and 1236 (now 46 U.S.C. 70036 and 70041). The table reflects those changes to the statutory citations.

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

Penalty name	Citation	Penalty amount as adjusted in the 2019 FR	Multiplier *	New penalty as adjusted by this final rule
Saving Life and Property; Intentional Interference with Broadcast.	14 U.S.C. 521(e)	1,093	1.01764	1,112
Confidentiality of Medical Quality Assurance Records (first offense).	14 U.S.C. 645(i); 33 CFR 27.3.	5,350	1.01764	5,444
Confidentiality of Medical Quality Assurance Records (subsequent offenses).	14 U.S.C. 645(i); 33 CFR 27.3.	35,668	1.01764	36,297
Obstruction of Revenue Officers by Masters of Vessels.	19 U.S.C. 70; 33 CFR 27.3.	7,975	1.01764	8,116
Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.	19 U.S.C. 70; 33 CFR 27.3.	1,861	1.01764	1,894
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.	11,563	1.01764	11,767
Anchorage Ground/Harbor Regulations St. Mary's river.	33 U.S.C. 474; 33 CFR 27.3.	798	1.01764	812
Bridges/Failure to Comply with Regulations	33 U.S.C. 495(b); 33 CFR 27.3.	29,192	1.01764	29,707
Bridges/Drawbridges	33 U.S.C. 499(c); 33 CFR 27.3.	29,192	1.01764	29,707
Bridges/Failure to Alter Bridge Obstructing Navigation	33 U.S.C. 502(c); 33 CFR 27.3.	29,192	1.01764	29,707
Bridges/Maintenance and Operation	33 U.S.C. 533(b); 33 CFR 27.3.	29,192	1.01764	29,707
Bridge to Bridge Communication; Master, Person in Charge or Pilot.	33 U.S.C. 1208(a); 33 CFR 27.3.	2,126	1.01764	2,164
Bridge to Bridge Communication; Vessel	33 U.S.C. 1208(b); 33 CFR 27.3.	2,126	1.01764	2,164
Oil/Hazardous Substances: Discharges (Class I per violation).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3.	18,943	1.01764	19,277
Oil/Hazardous Substances: Discharges (Class I total under paragraph).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3.	47,357	1.01764	48,192
Oil/Hazardous Substances: Discharges (Class II per day of violation).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.	18,943	1.01764	19,277
Oil/Hazardous Substances: Discharges (Class II total under paragraph).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.	236,783	1.01764	240,960
Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.	47,357	1.01764	48,192
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.	1,895	1.01764	1,928
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.	47,357	1.01764	48,192
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.	47,357	1.01764	48,192
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.	5,683	1.01764	5,783
Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.	189,427	1.01764	192,768
Marine Sanitation Devices; Operating	33 U.S.C. 1322(j); 33 CFR 27.3.	7,975	1.01764	8,116
Marine Sanitation Devices; Sale or Manufacture	33 U.S.C. 1322(j); 33 CFR 27.3.	21,265	1.01764	21,640
International Navigation Rules; Operator	33 U.S.C. 1608(a); 33 CFR 27.3.	14,910	1.01764	15,173
International Navigation Rules; Vessel	33 U.S.C. 1608(b); 33 CFR 27.3.	14,910	1.01764	15,173
Pollution from Ships; General	33 U.S.C. 1908(b)(1); 33 CFR 27.3.	74,552	1.01764	75,867
Pollution from Ships; False Statement	33 U.S.C. 1908(b)(2); 33 CFR 27.3.	14,910	1.01764	15,173
Inland Navigation Rules; Operator	33 U.S.C. 2072(a); 33 CFR 27.3.	14,910	1.01764	15,173

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

Penalty name	Citation	Penalty amount as adjusted in the 2019 FR	Multiplier *	New penalty as adjusted by this final rule
Inland Navigation Rules; Vessel	33 U.S.C. 2072(b); 33 CFR 27.3.	14,910	1.01764	15,173
Shore Protection; General	33 U.S.C. 2609(a); 33 CFR 27.3.	52,596	1.01764	53,524
Shore Protection; Operating Without Permit	33 U.S.C. 2609(b); 33 CFR 27.3.	21,039	1.01764	21,410
Oil Pollution Liability and Compensation	33 U.S.C. 2716a(a); 33 CFR 27.3.	47,357	1.01764	48,192
Clean Hulls	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.	43,359	1.01764	44,124
Clean Hulls—related to false statements	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.	57,813	1.01764	58,833
Clean Hulls—Recreational Vessel	33 U.S.C. 3852(c); 33 CFR 27.3.	5,781	1.01764	5,883
Hazardous Substances, Releases, Liability, Compensation (Class I).	42 U.S.C. 9609(a); 33 CFR 27.3.	57,317	1.01764	58,328
Hazardous Substances, Releases, Liability, Compensation (Class II).	42 U.S.C. 9609(b); 33 CFR 27.3.	57,317	1.01764	58,328
Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	42 U.S.C. 9609(b); 33 CFR 27.3.	171,952	1.01764	174,985
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	42 U.S.C. 9609(c); 33 CFR 27.3.	57,317	1.01764	58,328
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	42 U.S.C. 9609(c); 33 CFR 27.3.	171,952	1.01764	174,985
Safe Containers for International Cargo	46 USC 80509; 33 CFR 27.3.	6,265	1.01764	6,376
Suspension of Passenger Service	46 USC 70305; 33 CFR 27.3.	62,656	1.01764	63,761
Vessel Inspection or Examination Fees	46 U.S.C. 2110(e); 33 CFR 27.3.	9,472	1.01764	9,639
Alcohol and Dangerous Drug Testing	46 U.S.C. 2115; 33 CFR 27.3.	7,710	1.01764	7,846
Negligent Operations: Recreational Vessels	46 U.S.C. 2302(a); 33 CFR 27.3.	6,974	1.01764	7,097
Negligent Operations: Other Vessels	46 U.S.C. 2302(a); 33 CFR 27.3.	34,871	1.01764	35,486
Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	46 U.S.C. 2302(c)(1); 33 CFR 27.3.	7,710	1.01764	7,846
Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	46 U.S.C. 2306(a)(4); 33 CFR 27.3.	12,007	1.01764	12,219
Vessel Reporting Requirements: Master	46 U.S.C. 2306(b)(2); 33 CFR 27.3.	2,402	1.01764	2,444
Immersion Suits	46 U.S.C. 3102(c)(1); 33 CFR 27.3.	12,007	1.01764	12,219
Inspection Permit	46 U.S.C. 3302(i)(5); 33 CFR 27.3.	2,505	1.01764	2,549
Vessel Inspection; General	46 U.S.C. 3318(a); 33 CFR 27.3.	12,007	1.01764	12,219
Vessel Inspection; Nautical School Vessel	46 U.S.C. 3318(g); 33 CFR 27.3.	12,007	1.01764	12,219
Vessel Inspection; Failure to Give Notice IAW 3304(b)	46 U.S.C. 3318(h); 33 CFR 27.3.	2,402	1.01764	2,444
Vessel Inspection; Failure to Give Notice IAW 3309(c)	46 U.S.C. 3318(i); 33 CFR 27.3.	2,402	1.01764	2,444
Vessel Inspection; Vessel ≥1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3.	24,017	1.01764	24,441
Vessel Inspection; Vessel <1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3.	4,803	1.01764	4,888
Vessel Inspection; Failure to Comply with 3311(b)	46 U.S.C. 3318(k); 33 CFR 27.3.	24,017	1.01764	24,441
Vessel Inspection; Violation of 3318(b)–3318(f)	46 U.S.C. 3318(l); 33 CFR 27.3.	12,007	1.01764	12,219
List/count of Passengers	46 U.S.C. 3502(e); 33 CFR 27.3.	250	1.01764	254
Notification to Passengers	46 U.S.C. 3504(c); 33 CFR 27.3.	25,037	1.01764	25,479
Notification to Passengers; Sale of Tickets	46 U.S.C. 3504(c); 33 CFR 27.3.	1,251	1.01764	1,273

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

Penalty name	Citation	Penalty amount as adjusted in the 2019 FR	Multiplier *	New penalty as adjusted by this final rule
Copies of Laws on Passenger Vessels; Master	46 U.S.C. 3506; 33 CFR 27.3.	501	1.01764	510
Liquid Bulk/Dangerous Cargo	46 U.S.C. 3718(a)(1); 33 CFR 27.3.	62,595	1.01764	63,699
Uninspected Vessels	46 U.S.C. 4106; 33 CFR 27.3.	10,519	1.01764	10,705
Recreational Vessels (maximum for related series of violations).	46 U.S.C. 4311(b)(1); 33 CFR 27.3.	331,174	1.01764	337,016
Recreational Vessels; Violation of 4307(a)	46 U.S.C. 4311(b)(1); 33 CFR 27.3.	6,623	1.01764	6,740
Recreational vessels	46 U.S.C. 4311(c); 33 CFR 27.3.	2,505	1.01764	2,549
Uninspected Commercial Fishing Industry Vessels	46 U.S.C. 4507; 33 CFR 27.3.	10,519	1.01764	10,705
Abandonment of Barges	46 U.S.C. 4703; 33 CFR 27.3.	1,783	1.01764	1,814
Load Lines	46 U.S.C. 5116(a); 33 CFR 27.3.	11,463	1.01764	11,665
Load Lines; Violation of 5112(a)	46 U.S.C. 5116(b); 33 CFR 27.3.	22,927	1.01764	23,331
Load Lines; Violation of 5112(b)	46 U.S.C. 5116(c); 33 CFR 27.3.	11,463	1.01764	11,665
Reporting Marine Casualties	46 U.S.C. 6103(a); 33 CFR 27.3.	39,936	1.01764	40,640
Reporting Marine Casualties; Violation of 6104	46 U.S.C. 6103(b); 33 CFR 27.3.	10,519	1.01764	10,705
Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	46 U.S.C. 8101(e); 33 CFR 27.3.	1,895	1.01764	1,928
Manning of Inspected Vessels	46 U.S.C. 8101(f); 33 CFR 27.3.	18,943	1.01764	19,277
Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	46 U.S.C. 8101(g); 33 CFR 27.3.	18,943	1.01764	19,277
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.	2,505	1.01764	2,549
Watchmen on Passenger Vessels	46 U.S.C. 8102(a)	2,505	1.01764	2,549
Citizenship Requirements	46 U.S.C. 8103(f)	1,251	1.01764	1,273
Watches on Vessels; Violation of 8104(a) or (b)	46 U.S.C. 8104(i)	18,943	1.01764	19,277
Watches on Vessels; Violation of 8104(c), (d), (e), or (h).	46 U.S.C. 8104(j)	18,943	1.01764	19,277
Staff Department on Vessels	46 U.S.C. 8302(e)	250	1.01764	254
Officer's Competency Certificates	46 U.S.C. 8304(d)	250	1.01764	254
Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 8502(e)	18,943	1.01764	19,277
Coastwise Pilotage; Individual	46 U.S.C. 8502(f)	18,943	1.01764	19,277
Federal Pilots	46 U.S.C. 8503	60,039	1.01764	61,098
Merchant Mariners Documents	46 U.S.C. 8701(d)	1,251	1.01764	1,273
Crew Requirements	46 U.S.C. 8702(e)	18,943	1.01764	19,277
Small Vessel Manning	46 U.S.C. 8906	39,936	1.01764	40,640
Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 9308(a)	18,943	1.01764	19,277
Pilotage: Great Lakes; Individual	46 U.S.C. 9308(b)	18,943	1.01764	19,277
Pilotage: Great Lakes; Violation of 9303	46 U.S.C. 9308(c)	18,943	1.01764	19,277
Failure to Report Sexual Offense	46 U.S.C. 10104(b)	10,067	1.01764	10,245
Pay Advances to Seamen	46 U.S.C. 10314(a)(2)	1,251	1.01764	1,273
Pay Advances to Seamen; Remuneration for Employment.	46 U.S.C. 10314(b)	1,251	1.01764	1,273
Allotment to Seamen	46 U.S.C. 10315(c)	1,251	1.01764	1,273
Seamen Protection; General	46 U.S.C. 10321	8,678	1.01764	8,831
Coastwise Voyages: Advances	46 U.S.C. 10505(a)(2)	8,678	1.01764	8,831
Coastwise Voyages: Advances; Remuneration for Employment.	46 U.S.C. 10505(b)	8,678	1.01764	8,831
Coastwise Voyages: Seamen Protection; General	46 U.S.C. 10508(b)	8,678	1.01764	8,831
Effects of Deceased Seamen	46 U.S.C. 10711	501	1.01764	510
Complaints of Unfitness	46 U.S.C. 10902(a)(2)	1,251	1.01764	1,273
Proceedings on Examination of Vessel	46 U.S.C. 10903(d)	250	1.01764	254
Permission to Make Complaint	46 U.S.C. 10907(b)	1,251	1.01764	1,273
Accommodations for Seamen	46 U.S.C. 11101(f)	1,251	1.01764	1,273
Medicine Chests on Vessels	46 U.S.C. 11102(b)	1,251	1.01764	1,273
Destitute Seamen	46 U.S.C. 11104(b)	250	1.01764	254

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

Penalty name	Citation	Penalty amount as adjusted in the 2019 FR	Multiplier *	New penalty as adjusted by this final rule
Wages on Discharge	46 U.S.C. 11105(c)	1,251	1.01764	1,273
Log Books; Master Failing to Maintain	46 U.S.C. 11303(a)	501	1.01764	510
Log Books; Master Failing to Make Entry	46 U.S.C. 11303(b)	501	1.01764	510
Log Books; Late Entry	46 U.S.C. 11303(c)	375	1.01764	382
Carrying of Sheath Knives	46 U.S.C. 11506	125	1.01764	127
Vessel Documentation	46 U.S.C. 12151(a)(1)	16,398	1.01764	16,687
Documentation of Vessels—Related to Activities involving mobile offshore drilling units.	46 U.S.C. 12151(a)(2)	27,331	1.01764	27,813
Vessel Documentation; Fishery Endorsement	46 U.S.C. 12151(c)	125,314	1.01764	127,525
Numbering of Undocumented Vessels—Willful violation.	46 U.S.C. 12309(a)	12,519	1.01764	12,740
Numbering of Undocumented Vessels	46 U.S.C. 12309(b)	2,505	1.01764	2,549
Vessel Identification System	46 U.S.C. 12507(b)	21,039	1.01764	21,410
Measurement of Vessels	46 U.S.C. 14701	45,855	1.01764	46,664
Measurement; False Statements	46 U.S.C. 14702	45,855	1.01764	46,664
Commercial Instruments and Maritime Liens	46 U.S.C. 31309	21,039	1.01764	21,410
Commercial Instruments and Maritime Liens; Mortgage.	46 U.S.C. 31330(a)(2)	21,039	1.01764	21,410
Commercial Instruments and Maritime Liens; Violation of 31329.	46 U.S.C. 31330(b)(2)	52,596	1.01764	53,524
Ports and Waterway Safety Regulations	46 U.S.C. 70036(a); 33 CFR 27.3.	94,219	1.01764	95,881
Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.	46 U.S.C. 70041(d)(1)(B); 33 CFR 27.3.	9,472	1.01764	9,639
Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel.	46 U.S.C. 70041(d)(1)(C); 33 CFR 27.3.	9,472	1.01764	9,639
Vessel Navigation: Regattas or Marine Parades; Other Persons.	46 U.S.C. 70041(d)(1)(D); 33 CFR 27.3.	4,735	1.01764	4,819
Port Security	46 U.S.C. 70119(a)	34,871	1.01764	35,486
Port Security—Continuing Violations	46 U.S.C. 70119(b)	62,656	1.01764	63,761
Maritime Drug Law Enforcement	46 U.S.C. 70506(c)	5,781	1.01764	5,883
Hazardous Materials: Related to Vessels	49 U.S.C. 5123(a)(1)	81,993	1.01764	83,439
Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or substantial Damage to Property.	49 U.S.C. 5123(a)(2)	191,316	1.01764	194,691
Hazardous Materials: Related to Vessels; Training	49 U.S.C. 5123(a)(3)	493	1.01764	502

* OMB Memorandum M–20–05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 16, 2019. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.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 redesignated 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),¹² as well as violations of requirements described in chapter 449 of title 49 of the United States Code. 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 2020 adjustment for the penalties that TSA administers.

¹² See, e.g., 46 U.S.C. 70105, 49 U.S.C. 46302 and 46303, and 49 U.S.C. chapter 449.

TABLE 5—TRANSPORTATION SECURITY ADMINISTRATION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2019 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); 9 CFR 1503.401(c)(3).	\$34,174 (up to a total of \$546,774 per civil penalty action).	1.01764	\$34,777 (up to a total of \$556,419 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)(1) and (2).	\$13,669 (up to a total of \$68,347 total for small business, \$546,774 for others).	1.01764	\$13,910 (up to a total of \$69,553 total for small business, \$556,419 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).	\$11,698 (up to a total of \$58,490 total for small businesses, \$467,920 for others).	1.01764	\$11,904 (up to a total of \$59,522 total for small businesses, \$76,174 for others).

* OMB Memorandum M–20–05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 16, 2019. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.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 United States Code. 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, 13563, and 13771

Executive Orders 12866 and 13563 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. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB’s Memorandum “Guidance Implementing Executive Order 13771, Titled ‘Reducing Regulation and Controlling Regulatory Costs’” (April 5, 2017).

This final rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the 2015 Act and OMB guidance.¹³ 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 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

¹³ OMB Memorandum M–20–05, Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Dec. 14, 2018. Available at <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf>.

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. 116–2, 133 Stat. 5.

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

§ 27.300 Orders.

* * * * *

(b) * * *

(3) Where the Assistant Secretary 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 \$35,486 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 \$481 and not exceeding \$3,855 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 \$407 and not exceeding \$3,251 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 \$3,855 and not more than \$9,639 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 \$3,351 and not more than \$8,128 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, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 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 \$2,332 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) 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 \$583 and not more than \$4,667 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 \$4,667 and not more than \$11,665 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 \$6,999 and not more than \$23,331 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 \$234 and not more than \$2,332 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 \$1,394 to \$1,419.

(2) Section 234 of the Act, Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$3,788 to \$3,855.

(3) Section 240B(d) of the Act, Penalties for failure to depart voluntarily: From \$1,597 minimum/\$7,987 maximum to \$1,625 minimum/\$8,128 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 \$3,195 to \$3,251.

(5) Penalties for failure to remove alien stowaways under section 241(d)(2): From \$7,987 to \$8,128.

(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 \$378 to \$385; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$9,472 to \$9,639.

(7) Section 254(a) of the Act, Penalties for failure to control, detain, or remove alien crewmen: From \$947 minimum/\$5,683 maximum to \$964 minimum/\$5,783 maximum.

(8) Section 255 of the Act, Penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From \$1,895 to \$1,928.

(9) Section 256 of the Act, Penalties for discharge of alien crewmen: From \$2,841 minimum/\$5,683 maximum to \$2,891 minimum/\$5,783 maximum.

(10) Section 257 of the Act, Penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$18,943 maximum to \$19,277 maximum.

(11) Section 271(a) of the Act, Penalties for failure to prevent the unauthorized landing of aliens: From \$5,683 to \$5,783.

(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 \$5,683 to \$5,783.

(13) Section 273(b) of the Act, Penalties for bringing to the United States aliens without required documentation: From \$5,683 to \$5,783.

(14) Section 274D of the Act, Penalties for failure to depart: From \$799 maximum to \$813 maximum, for each day the alien is in violation.

(15) Section 275(b) of the Act, Penalties for improper entry: From \$80 minimum/\$400 maximum to \$81 minimum/\$407 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, 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; Public Law 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, remove the heading from paragraph (b) and 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 \$812 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 \$1352 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 \$946 to \$2,976 against the owner or master of the towing vessel and a further penalty against the towing vessel of \$162 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 June 17, 2020, with respect to violations occurring after November 2, 2015. * * *

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. code citation	Civil monetary penalty description	2020 Adjusted maximum penalty amount (\$)
14 U.S.C. 521(c)	Saving Life and Property	\$10,839
14 U.S.C. 521(e)	Saving Life and Property; Intentional Interference with Broadcast	1,112
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense)	5,444
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	36,297
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	8,116
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty	1,894
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge ¹	5,000
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty ¹	1,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	11,767
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	812
33 U.S.C. 495(b)	Bridges/Failure to Comply with Regulations	29,707
33 U.S.C. 499(c)	Bridges/Drawbridges	29,707
33 U.S.C. 502(c)	Bridges/Failure to Alter Bridge Obstructing Navigation	29,707
33 U.S.C. 533(b)	Bridges/Maintenance and Operation	29,707
33 U.S.C. 1208(a)	Bridge to Bridge Communication; Master, Person in Charge or Pilot	2,164
33 U.S.C. 1208(b)	Bridge to Bridge Communication; Vessel	2,164
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I per violation)	19,277
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I total under paragraph)	48,192
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II per day of violation)	19,277
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II total under paragraph)	240,960
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment	48,192
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment	1,928
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment)	48,192
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment)	48,192
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment	5,783
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment)	192,768
33 U.S.C. 1322(j)	Marine Sanitation Devices; Operating	8,116
33 U.S.C. 1322(j)	Marine Sanitation Devices; Sale or Manufacture	21,640
33 U.S.C. 1608(a)	International Navigation Rules; Operator	15,173
33 U.S.C. 1608(b)	International Navigation Rules; Vessel	15,173
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	75,867
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	15,173
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	15,173

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

U.S. code citation	Civil monetary penalty description	2020 Adjusted maximum penalty amount (\$)
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	15,173
33 U.S.C. 2609(a)	Shore Protection; General	53,524
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	21,410
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	48,192
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	44,124
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; related to false statements	58,833
33 U.S.C. 3852(c)	Clean Hulls; Recreational Vessels	5,883
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I)	58,328
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II)	58,328
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	174,985
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	58,328
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	174,985
46 U.S.C. 80509(a)	Safe Containers for International Cargo	6,376
46 U.S.C. 70305(c)	Suspension of Passenger Service	63,761
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	9,639
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	7,846
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	7,097
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	35,486
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	7,846
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent	12,219
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	2,444
46 U.S.C. 3102(c)(1)	Immersion Suits	12,219
46 U.S.C. 3302(i)(5)	Inspection Permit	2,549
46 U.S.C. 3318(a)	Vessel Inspection; General	12,219
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	12,219
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice IAW 3304(b)	2,444
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c)	2,444
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥1600 Gross Tons	24,441
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel <1600 Gross Tons	4,888
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	24,441
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	12,219
46 U.S.C. 3502(e)	List/count of Passengers	254
46 U.S.C. 3504(c)	Notification to Passengers	25,479
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	1,273
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	510
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	63,699
46 U.S.C. 4106	Uninspected Vessels	10,705
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	337,016
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	6,740
46 U.S.C. 4311(c)	Recreational Vessels	2,549
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels	10,705
46 U.S.C. 4703	Abandonment of Barges	1,814
46 U.S.C. 5116(a)	Load Lines	11,665
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	23,331
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	11,665
46 U.S.C. 6103(a)	Reporting Marine Casualties	40,640
46 U.S.C. 6103(b)	Reporting Marine Casualties; Violation of 6104	10,705
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	1,928
46 U.S.C. 8101(f)	Manning of Inspected Vessels	19,277
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	19,277
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	2,549
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	2,549
46 U.S.C. 8103(f)	Citizenship Requirements	1,273
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	19,277
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	19,277
46 U.S.C. 8302(e)	Staff Department on Vessels	254
46 U.S.C. 8304(d)	Officer's Competency Certificates	254
46 U.S.C. 8502(e)	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	19,277
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	19,277
46 U.S.C. 8503	Federal Pilots	61,098
46 U.S.C. 8701(d)	Merchant Mariners Documents	1,273
46 U.S.C. 8702(e)	Crew Requirements	19,277
46 U.S.C. 8906	Small Vessel Manning	40,640
46 U.S.C. 9308(a)	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	19,277

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

U.S. code citation	Civil monetary penalty description	2020 Adjusted maximum penalty amount (\$)
46 U.S.C. 9308(b)	Pilotage: Great Lakes; Individual	19,277
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	19,277
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	10,245
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1,273
46 U.S.C. 10314(b)	Pay Advances to Seamen; Remuneration for Employment	1,273
46 U.S.C. 10315(c)	Allotment to Seamen	1,273
46 U.S.C. 10321	Seamen Protection; General	8,831
46 U.S.C. 10505(a)(2)	Coastwise Voyages: Advances	8,831
46 U.S.C. 10505(b)	Coastwise Voyages: Advances; Remuneration for Employment	8,831
46 U.S.C. 10508(b)	Coastwise Voyages: Seamen Protection; General	8,831
46 U.S.C. 10711	Effects of Deceased Seamen	510
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1,273
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	254
46 U.S.C. 10907(b)	Permission to Make Complaint	1,273
46 U.S.C. 11101(f)	Accommodations for Seamen	1,273
46 U.S.C. 11102(b)	Medicine Chests on Vessels	1,273
46 U.S.C. 11104(b)	Destitute Seamen	254
46 U.S.C. 11105(c)	Wages on Discharge	1,273
46 U.S.C. 11303(a)	Log Books; Master Failing to Maintain	510
46 U.S.C. 11303(b)	Log Books; Master Failing to Make Entry	510
46 U.S.C. 11303(c)	Log Books; Late Entry	382
46 U.S.C. 11506	Carrying of Sheath Knives	127
46 U.S.C. 12151(a)(1)	Vessel Documentation	16,687
46 U.S.C. 12151(a)(2)	Documentation of Vessels—Related to activities involving mobile offshore drilling units ..	27,813
46 U.S.C. 12151(c)	Vessel Documentation; Fishery Endorsement	127,525
46 U.S.C. 12309(a)	Numbering of Undocumented Vessels—Willful violation	12,740
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	2,549
46 U.S.C. 12507(b)	Vessel Identification System	21,410
46 U.S.C. 14701	Measurement of Vessels	46,664
46 U.S.C. 14702	Measurement; False Statements	46,664
46 U.S.C. 31309	Commercial Instruments and Maritime Liens	21,410
46 U.S.C. 31330(a)(2)	Commercial Instruments and Maritime Liens; Mortgagor	21,410
46 U.S.C. 31330(b)(2)	Commercial Instruments and Maritime Liens; Violation of 31329	53,524
46 U.S.C. 70036(a)	Ports and Waterways Safety Regulations	95,881
46 U.S.C. 70041(d)(1)(B)	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	9,639
46 U.S.C. 70041(d)(1)(C)	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	9,639
46 U.S.C. 70041(d)(1)(D)	Vessel Navigation: Regattas or Marine Parades; Other Persons	4,819
46 U.S.C. 70119(a)	Port Security	35,486
46 U.S.C. 70119(b)	Port Security—Continuing Violations	63,761
46 U.S.C. 70506	Maritime Drug Law Enforcement; Penalties	5,883
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Maximum Penalty	83,439
49 U.S.C. 5123(a)(2)	Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/III- ness or Substantial Damage to Property.	194,691
49 U.S.C. 5123(a)(3)	Hazardous Materials: Related to Vessels—Training	502

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, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015 \$11,904 per violation, up to a total of \$59,522 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, \$11,904 per violation, up to a total of

\$476,174 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, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, \$13,910 per violation, up to a total of \$69,553 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, \$13,910 per violation, up to a total of \$556,419 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, \$34,777 per violation, up to a total of \$556,419 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.

Chad R. Mizelle,

Senior Official Performing the Duties of the General Counsel.

[FR Doc. 2020-11124 Filed 6-16-20; 8:45 am]

BILLING CODE 9110-9-P, 9111-14-P, 9111-28-P, 9110-04-P, 9110-05-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 748 and 774

[Docket No. 200521-0143]

RIN 0694-AH60

Implementation of the February 2020 Australia Group Intersessional Decisions: Addition of Certain Rigid-Walled, Single-Use Cultivation Chambers and Precursor Chemicals to the Commerce Control List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) publishes this final rule to amend the Export Administration Regulations (EAR) to implement the decisions made at the February 2020 Australia Group (AG) Intersessional Implementation Meeting, and those later adopted pursuant to the AG's silence procedure. Specifically, this rule amends Export Control Classification Numbers (ECCNs) 1C350, 1C351 and 2B352 on the Commerce Control List (CCL) to reflect these AG changes. ECCN

1C350 is amended by adding twenty-four precursor chemicals, as well as mixtures in which at least one of these chemicals constitutes 30 percent or more of the weight of the mixture, to ECCN 1C350.d. ECCN 1C351 is amended to add Middle East respiratory syndrome-related coronavirus (MERS-related coronavirus). ECCN 2B352 is amended by adding a *Technical Note* to indicate that cultivation chamber holding devices controlled in 2B352.b.2.b include single-use cultivation chambers with rigid walls. The items addressed by this final rule were not previously listed on the CCL or controlled multilaterally. BIS, consistent with the interagency process described in the Export Control Reform Act of 2018 (ECRA), identified the precursor chemicals and single-use cultivation chambers addressed by this final rule as emerging technologies that are essential to U.S. national security and for which effective controls can be implemented. The inclusion of such items in this final rule is consistent with the requirements of ECRA and the decision of the AG to add such items to its common control lists, thereby making exports of such items subject to multilateral control (following the implementation of these changes by individual AG participating countries, including the United States).

DATES: This rule is effective June 17, 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Wesley Johnson, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482-0091, Email: Wesley.Johnson@bis.doc.gov.

SUPPLEMENTARY INFORMATION: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement the decisions made at the Australia Group (AG) Intersessional Implementation Meeting held in Bratislava, Slovak Republic, on February 5 through 6, 2020, and those subsequently made pursuant to the AG silence procedure which ended on February 28, 2020 (the AG silence procedure provides for the adoption of a measure, subsequent to its provisional acceptance at an AG plenary or intersessional meeting, provided that no participating country submits an objection on or before a specified date). The AG is a multilateral forum consisting of 42 participating countries and the European Union that maintain export controls on a list of chemicals, biological agents, and related equipment and technology that could be used in a chemical or biological weapons

program. The AG periodically reviews items on its control list to enhance the effectiveness of participating governments' national controls and to achieve greater harmonization among these controls.

Amendments to the CCL Based on the February 2020 AG Intersessional Recommendations

ECCN 1C350 (Chemical Weapons Precursors)

This final rule amends Export Control Classification Number (ECCN) 1C350 on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR) to reflect changes to the AG "Chemical Weapons Precursors" common control list based on the February 2020 Intersessional Implementation Meeting recommendations that were approved by the AG pursuant to a silence procedure which ended on February 28, 2020. Specifically, this rule amends ECCN 1C350 by adding the following twenty-four precursor chemicals under ECCN 1C350.d:

(C.A.S. #589-57-1) Diethyl chlorophosphite;
(C.A.S. #762-77-6) Ethyl chlorofluorophosphate;
(C.A.S. #1498-51-7) Ethyl dichlorophosphate;
(C.A.S. #460-52-6) Ethyl difluorophosphate;
(C.A.S. #754-01-8) Methyl chlorofluorophosphate;
(C.A.S. #677-24-7) Methyl dichlorophosphate;
(C.A.S. #22382-13-4) Methyl difluorophosphate;
(C.A.S. #14277-06-6) N,N-Diethylacetamide;
(C.A.S. #53510-30-8) N,N-Diethylbutanamide;
(C.A.S. #90324-67-7) N,N-Diethylformamide;
(C.A.S. #1342789-47-2) N,N-Diethylisobutanamide;
(C.A.S. #84764-73-8) N,N-Diethylpropanamide;
(C.A.S. #1315467-17-4) N,N-Diisopropylbutanamide;
(C.A.S. #857522-08-8) N,N-Diisopropylformamide;
(C.A.S. #2909-14-0) N,N-Dimethylacetamide;
(C.A.S. #1340437-35-5) N,N-Dimethylbutanamide;
(C.A.S. #44205-42-7) N,N-Dimethylformamide;
(C.A.S. #321881-25-8) N,N-Dimethylisobutanamide;
(C.A.S. #56776-14-8) N,N-Dimethylpropanamide;
(C.A.S. #1339586-99-0) N,N-Dipropylacetamide;