

§ 6.4

§ 6.4 Adjustments to penalties.

The civil monetary penalties provided by law within the jurisdiction of the respective agencies or bureaus of the Department, as set forth below in this section, are hereby adjusted in accordance with the inflation adjustment procedures prescribed in Section 5, from the amounts of such penalties in effect prior to December 14, 2004, to the amounts of such penalties, as thus adjusted, except for the penalties stated in paragraphs (a)(4) and (a)(5) which became adjusted on March 9, 2006.

(a) Bureau of Industry and Security. (1) 15 U.S.C. 5408(b)(1), Fastener Quality Act, violation; from \$27,500 to \$27,500.

(2) 22 U.S.C. 6761(a)(1)(A), Chemical Weapons Convention Implementation Act—Inspection Violation, from \$25,000 to \$25,000.

(3) 22 U.S.C. 6761(a)(1)(B), Chemical Weapons Convention Implementation Act—Record Keeping Violation, from \$5,000 to \$5,000.

(4) 50 U.S.C. 1705(a), International Emergency Economic Powers Act—Export Administration Regulation Violation, from \$11,000 to \$50,000.

(5) 50 U.S.C. 1705(a), International Emergency Economic Powers Act—Chemical Weapons Convention Implementation Act, Import Restriction Violation, from \$11,000 to \$50,000.

(6) 50 U.S.C. App. 2410(c), Export Administration Act—Other Violation, from \$11,000 to \$11,000.

(7) 50 U.S.C. App. 2410(c), Export Administration Act and Section 38 of the Arms Export Control Act—National Security Violation, from \$110,000 to \$120,000.

(b) Economic Development Administration. 19 U.S.C. 2349, Trade Act of 1974—False Statements or Submissions with Applications for Assistance, from \$5,500 to \$5,500.

(c) Bureau of the Census. (1) 13 U.S.C. 304, Delinquency on Delayed filing of Export Documentation, from \$1,100 to \$10,000.

(2) 13 U.S.C. 305, Collection of Foreign Trade Statistics—Violations, from \$1,100 to \$10,000.

(d) Economics and Statistics Administration. 22 U.S.C. 3105(a), International Investment and Trade in Services Act—Failure to Furnish Information, from \$27,500 to \$27,500.

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(e) International Trade Administration. (1) 19 U.S.C. 81s, Foreign Trade Zone—Violation, from \$1,100 to \$1,100.

(2) 16 U.S.C. 1677(f)(4), U.S.-Canada FTA Protective Order—Violation, from \$110,000 to \$120,000.

(f) National Oceanic and Atmospheric Administration. (1) 15 U.S.C. 5623(a)(3), Land Remote Sensing Policy Act of 1992, from \$11,000 to \$11,000.

(2) 15 U.S.C. 5658(c), Land Remote Sensing Policy Act of 1992, from \$11,000 to \$11,000.

(3) 16 U.S.C. 773f(a), Northern Pacific Halibut Act of 1982, from \$27,500 to \$27,500.

(4) 16 U.S.C. 783, Sponge Act (1914), from \$550 to \$550.

(5) 16 U.S.C. 957, Tuna Conventions Act of 1950 (1962);

(i) Violation/Subsection a, from \$27,500 to \$27,500.

(ii) Subsequent Violation/Subsection a, from \$60,000 to \$65,000.

(iii) Violation/Subsection b, from \$1,100 to \$1,100.

(iv) Subsequent Violation/Subsection b, from \$5,500 to \$5,500.

(v) Violation/Subsection c, from \$120,000 to \$130,000.

(6) 16 U.S.C. 971e(e), Atlantic Tuna Convention Act of 1975 (1995), from \$120,000 to \$130,000.

(7) 16 U.S.C. 972f(b), Eastern Pacific Tuna Licensing Act of 1984;

(i) Violation/Subsections (a)(1)–(3), from \$27,500 to \$27,500.

(ii) Subsequent Violation/Subsections (a)(1)–(3), from \$60,000 to \$60,000.

(iii) Violation/Subsections (a)(4)–(5), from \$5,500 to \$5,500.

(iv) Subsequent Violation/Subsections (a)(4)–(5), from \$5,500 to \$5,500.

(v) Violation/Subsection (a)(6), from \$120,000 to \$130,000.

(8) 16 U.S.C. 973f(a), South Pacific Tuna Act of 1988, from \$300,000 to \$325,000.

(9) 16 U.S.C. 1174(b), Fur Seal Act Amendments of 1983, from \$11,000 to \$11,000.

(10) 16 U.S.C. 1375(a)(1), Marine Mammal Protection Act of 1972 (1981), from \$11,000 to \$11,000.

(11) 16 U.S.C. 1385(e), Dolphin Protection Consumer Information Act (1990), from \$110,000 to \$120,000.

(12) 16 U.S.C. 1437(d)(1), National Marine Sanctuaries Act (1992), from \$120,000 to \$130,000.

(13) 16 U.S.C. 1540(a)(1), Endangered Species Act of 1973;

(i) Knowing Violations of Section 1538 (1988), from \$27,500 to \$27,500.

(ii) Other Knowing Violations (1988), from \$13,200 to \$13,200.

(iii) Otherwise Violations (1978), from \$550 to \$550.

(14) 16 U.S.C. 1858(a), Magnuson-Stevens Fishery Conservation and Management Act (1990), from \$120,000 to \$130,000.

(15) 16 U.S.C. 2437(a)(1), Antarctic Marine Living Resources Convention Act of 1984;

(i) Knowing Violation, from \$11,000 to \$11,000.

(ii) Violation, from \$5,500 to \$5,500.

(16) 16 U.S.C. 2465(a), Antarctic Protection Act of 1990;

(i) Knowing Violation, from \$11,000 to \$11,000.

(ii) Violation, from \$5,500 to \$5,500.

(17) 16 U.S.C. 3373(a), Lacey Act Amendments of 1981;

(i) Sale and Purchase Violation, from \$11,000 to \$11,000.

(ii) Marking Violation, from \$275 to \$275.

(iii) False Labeling Violation, from \$11,000 to \$11,000.

(iv) Other than Marking Violation, from \$11,000 to \$11,000.

(18) 16 U.S.C. 3606(b)(1), Atlantic Salmon Convention Act of 1982 (1990), from \$120,000 to \$130,000.

(19) 16 U.S.C. 3637(b), Pacific Salmon Treaty Act of 1985 (1990), from \$120,000 to \$130,000.

(20) 16 U.S.C. 4016(b)(1)(B), Fish and Seafood Promotion Act of 1986, from \$5,500 to \$5,500.

(21) 16 U.S.C. 5010(a)(1), North Pacific Anadromous Stocks Act of 1992, from \$110,000 to \$120,000.

(22) 16 U.S.C. 5103(b)(2), Atlantic Coastal Fisheries Cooperative Management Act (1993), from \$120,000 to \$130,000.

(23) 16 U.S.C. 5154(c)(1), Atlantic Striped Bass Conservation Act (1990), from \$120,000 to \$130,000.

(24) 16 U.S.C. 5507(a)(1), High Seas Fishing Compliance Act of 1995, from \$110,000 to \$120,000.

(25) 16 U.S.C. 5606(b), Northwest Atlantic Fisheries Convention Act of 1995, from \$120,000 to \$130,000.

(26) 22 U.S.C. 1978(e), Fishermen's Protective Act of 1967 (1971);

(i) Violation, from \$11,000 to \$11,000.

(ii) Subsequent Violation, from \$27,500 to \$27,500.

(27) 30 U.S.C. 1462(a), Deep Seabed Hard Mineral Resources Act (1980), from \$27,500 to \$27,500.

(28) 42 U.S.C. 9152(c)(1), Ocean Thermal Energy Conversion Act of 1980, from \$27,500 to \$27,500.

[69 FR 74417, Dec. 14, 2004, as amended at 72 FR 901, Jan. 9, 2007]

§ 6.5 Effective date of adjustments.

The adjustments made by § 6.4 of this part, of the penalties there specified, are effective on December 14, 2004, and said penalties, as thus adjusted by the adjustments made by § 6.4 of this part, shall apply only to violations occurring after December 14, 2004, and before the effective date of any future inflation adjustment thereto made subsequent to December 14, 2004 as provided in § 6.6 of this part.

[69 FR 74418, Dec. 14, 2004]

§ 6.6 Subsequent adjustments.

The *Secretary or his or her designee* by regulation shall, at least once every four years after October 23, 1996, make the inflation adjustment, described in *Section Five* and required by *Amended Section Four*, of each civil monetary penalty provided by law and within the jurisdiction of the *Department*.

PART 7 [RESERVED]

PART 8—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF COMMERCE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subpart A—General Provisions; Prohibitions: Nondiscrimination Clause; Applicability to Programs

Sec.

8.1 Purpose.

8.2 Application of this part.

8.3 Definitions.