

Office of the Secretary, Commerce

§ 6.2

in § 5.3(c) and the State licensing agency fail to reach agreement concerning the granting, revocation, or modification of a permit, the location, method of operation, assignment of proceeds, or other terms of a permit (including articles which may be sold), the State licensing agency shall be notified in writing by the Commerce official concerned that it has the right to appeal such disagreements, within 30 days of the notice, to the Assistant Secretary for Administration for investigation and final decision.

(b) Upon receipt of a timely appeal the Assistant Secretary for Administration will cause a full investigation to be made. The State licensing agency shall be given an opportunity to present information pertinent to the facts and circumstances of the case. The complete investigation report including the recommendations of the investigating officer shall be submitted to the Assistant Secretary for Administration within 60 days from the date of the appeal.

(c) The Assistant Secretary for Administration will render a final decision on the appeal within 90 days of the date of appeal.

(d) The State licensing agency will be informed of the final decision on its appeal. Copies of the decision will be forwarded to the Department of Commerce official concerned and the Department of Education.

[28 FR 7772, July 31, 1963, as amended at 55 FR 53489, Dec. 31, 1990]

§ 5.7 Reports.

No later than fifteen days following the end of each fiscal year the responsible officials set forth in § 5.3(c) shall forward to the Director, Office of Administrative Services a report on activities under this order. The report shall include:

(a) The number of applications, including requests for installations initiated by the Department, for vending stands received from State licensing agencies;

(b) The number of such requests accepted or approved;

(c) The number denied, on which no appeal was made and the number denied on which an appeal was made; and

(d) The number and status of any requests still pending.

§ 5.8 Approval of regulations.

The provisions of this part have been approved by the Director, Bureau of the Budget, pursuant to Executive Order 10604, of April 22, 1955.

PART 6—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

Sec.

6.1 Definitions.

6.2 Purpose and scope.

6.3 Limitation on *First Adjustments*.

6.4 Adjustments to penalties.

6.5 Effective date of adjustments.

6.6 Subsequent adjustments.

AUTHORITY: Sec. 4, as amended, and sec. 5, Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104-134, 110 Stat. 1321, 28 U.S.C. 2461 note.

SOURCE: 61 FR 55093, Oct. 24, 1996, unless otherwise noted.

§ 6.1 Definitions.

As used in this part:

(a) *Inflation Adjustment Act* means the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, October 5, 1990, 104 Stat. 890, 28 U.S.C. 2461 note).

(b) *Improvement Act* means the Debt Collection Improvement Act of 1996 (Public Law 104-134, April 26, 1996).

(c) *Amended Section Four* means section 4 of the *Inflation Adjustment Act*, as amended by the *Improvement Act*.

(d) *Section Five* means section 5 of the *Inflation Adjustment Act*.

(e) *Department* means the Department of Commerce.

(f) *Secretary* means the Secretary of the Department of Commerce.

(g) *First Adjustments* means the inflation adjustments made by § 6.4 of this part which, as provided in § 6.5 of this part, are effective on October 23, 1996.

§ 6.2 Purpose and scope.

The purpose of this part is to make the inflation adjustment, described in *Section Five* and required by *Amended Section Four*, of each minimum and maximum civil monetary penalty provided by law within the jurisdiction of the *Department*.

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§ 6.3 Limitation on *First Adjustments*.

Each of the *First Adjustments* may not exceed ten percent (10%) of the respective penalty being adjusted.

§ 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, Pub. L. 101-410, from the amounts of such penalties in effect prior to December 11, 2008, to the amounts of such penalties, as thus adjusted, except for the penalties stated in paragraphs (e)(26) and (e)(27), which became effective on January 12, 2007, and except for the penalties stated in paragraphs (a)(4) and (e)(3) which became adjusted on October 16, 2007 and January 12, 2007, respectively.

(a) *Bureau of Industry and Security*. (1) 15 U.S.C. 5408(b)(1), Fastener Quality Act—Violation, from \$27,500 to \$32,500.

(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 (2007)—Violation, from \$50,000 to \$250,000.

(b) *Bureau of the Census*. (1) 13 U.S.C. 304, Collection of Foreign Trade Statistics—Delinquency on Delayed Filing of Export Documentation; maximum penalty for each day's delinquency, from \$1,000 to \$1,000; maximum per violation, from \$10,000 to \$10,000.

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

(c) *Economics and Statistics Administration*. 22 U.S.C. 3105(a), International Investment and Trade in Services Act—Failure to Furnish Information; minimum, from \$2,500 to \$2,500; maximum, from \$27,500 to \$32,500.

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

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(2) 16 U.S.C. 1677(f)(4), U.S.-Canada FTA Protective Order—Violation, from \$120,000 to \$130,000.

(e) *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 (2007), from \$27,500 to \$200,000.

(4) 16 U.S.C. 783, Sponge Act (1914), from \$550 to \$650.

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

(i) Violation/Subsection (a), from \$27,500 to \$32,500.

(ii) Subsequent Violation/Subsection (a), from \$65,000 to \$70,000.

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

(iv) Subsequent Violation/Subsection (b), from \$5,500 to \$6,500.

(v) Violation/Subsection (c), from \$130,000 to \$140,000.

(6) 16 U.S.C. 971e(e), Atlantic Tunas Convention Act of 1975 (1995), from \$130,000 to \$140,000.

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

(i) Violation/Subsections (a)(1)–(3), from \$27,500 to \$32,500.

(ii) Subsequent Violation/Subsections (a)(1)–(3), from \$60,000 to \$65,000.

(iii) Violation/Subsections (a)(4)–(5), from \$5,500 to \$6,500.

(iv) Subsequent Violation/Subsections (a)(4)–(5), from \$5,500 to \$6,500.

(v) Violation/Subsection (a)(6), from \$130,000 to \$140,000.

(8) 16 U.S.C. 973f(a), South Pacific Tuna Act of 1988, from \$325,000 to \$350,000.

(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 \$120,000 to \$130,000.

(12) 16 U.S.C. 1437(d)(1), National Marine Sanctuaries Act (1992), from \$130,000 to \$140,000.

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

(i) Knowing Violation of Section 1538 (1988), from \$27,500 to \$32,500.

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

(iii) Otherwise Violation (1978), from \$550 to \$650.

(14) 16 U.S.C. 1858(a), Magnuson-Stevens Fishery Conservation and Management Act (1990), from \$130,000 to \$140,000.

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

(i) Violation, from \$5,500 to \$6,500.

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

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

(i) Violation, from \$5,500 to \$6,500.

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

(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 \$130,000 to \$140,000.

(19) 16 U.S.C. 3637(b), Pacific Salmon Treaty Act of 1985 (1990), from \$130,000 to \$140,000.

(20) 16 U.S.C. 4016(b)(1)(B), Fish and Seafood Promotion Act of 1986; minimum from \$500 to \$500; maximum from \$5,500 to \$6,500.

(21) 16 U.S.C. 5010(a)(1), North Pacific Anadromous Stocks Act of 1992, from \$120,000 to \$130,000.

(22) 16 U.S.C. 5103(b)(2), Atlantic Coastal Fisheries Cooperative Management Act (1993), from \$130,000 to \$140,000.

(23) 16 U.S.C. 5154(c)(1), Atlantic Striped Bass Conservation Act (1990), from \$130,000 to \$140,000.

(24) 16 U.S.C. 5507(a)(1), High Seas Fishing Compliance Act of 1995, from \$120,000 to \$130,000.

(25) 16 U.S.C. 5606(b), Northwest Atlantic Fisheries Convention Act of 1995, from \$130,000 to \$140,000.

(26) 16 U.S.C. 6905(c), Western and Central Pacific Fisheries Convention

Implementation Act (2007); new penalty \$140,000.

(27) 16 U.S.C. 7009(c), Pacific Whiting Act of 2006 (2007); new penalty \$140,000.

(28) 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 \$32,500.

(29) 30 U.S.C. 1462(a), Deep Seabed Hard Mineral Resources Act (1980), from \$27,500 to \$32,500.

(30) 42 U.S.C. 9152(c)(1), Ocean Thermal Energy Conversion Act of 1980, from \$27,500 to \$32,500.

[73 FR 75322, Dec. 11, 2008]

§ 6.5 Effective date of adjustments.

The adjustments made by § 6.4 of this part, of the penalties there specified, are effective on December 11, 2008, and said penalties, as thus adjusted by the adjustments made by § 6.4 of this part, shall apply only to violations occurring after December 11, 2008, and before the effective date of any future inflation adjustment thereto made subsequent to December 11, 2008 as provided in § 6.6 of this part.

[73 FR 75323, Dec. 11, 2008]

§ 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.