

## § 6.3

### § 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 7, 2012, to the amounts of such penalties, as thus adjusted, except for the penalties that are being adjusted for the first time, stated in paragraphs, (a)(1), which became effective on October 21, 1986; (a)(2), which became effective on March 2, 1863; (b)(5), which became effective on December 18, 2006; and (f)(1) and (f)(2), which became effective on December 18, 2010.

(a) *Department of Commerce*. (1) 31 U.S.C. 3802(a)(1)(D), Program Fraud Civil Remedies Act of 1986, from \$5,000 to \$5,500.

(2) 31 U.S.C. 3729(a)(1)(G), False Claims Act; minimum from \$5,000 to \$5,500; maximum from \$10,000 to \$11,000.

(b) *Bureau of Industry and Security*. (1) 15 U.S.C. 5408(b)(1), Fastener Quality Act—Violation, from \$32,500 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 \$250,000 to \$250,000.

(5) 22 U.S.C. 8142(a), United States Additional Protocol Implementation Act (2006)—Violation, from \$25,000 to \$27,500.

(c) *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.

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(2) 13 U.S.C. 305(b), Collection of Foreign Trade Statistics—Violations, from \$10,000 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; minimum, from \$2,500 to \$2,500; maximum, from \$32,500 to \$32,500.

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

(2) 19 U.S.C. 1677f(f)(4), U.S.-Canada FTA Protective Order—Violation, from \$130,000 to \$130,000.

(f) *National Oceanic and Atmospheric Administration*. (1) 51 U.S.C. 60123(a)(3), Land Remote Sensing Policy Act of 2010; new penalty \$10,000.

(2) 51 U.S.C. 60148(c), Land Remote Sensing Policy Act of 2010, new penalty \$10,000.

(3) 16 U.S.C. 773f(a), Northern Pacific Halibut Act of 1982 (2007), from \$200,000 to \$200,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Violation, from \$6,500 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 \$6,500 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 \$140,000 to \$140,000.

(19) 16 U.S.C. 3637(b), Pacific Salmon Treaty Act of 1985 (1990), from \$140,000 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 \$6,500 to \$6,500.

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

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

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

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

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

(26) 16 U.S.C. 6905(c), Western and Central Pacific Fisheries Convention Implementation Act (2007), from \$140,000 to \$140,000.

(27) 16 U.S.C. 7009(c), Pacific Whiting Act of 2006 (2007); from \$140,000 to \$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 \$32,500 to \$32,500.

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

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

[77 FR 72916, Dec. 7, 2012]

**§ 6.5 Effective date of adjustments.**

The adjustments made by § 6.4 of this part, of the penalties there specified, are effective on December 7, 2012, and said penalties, as thus adjusted by the adjustments made by § 6.4 of this part, shall apply only to violations occurring after December 7, 2012, and before the effective date of any future inflation adjustment thereto made subsequent to December 7, 2012 as provided in § 6.6 of this part.

[77 FR 72917, Dec. 7, 2012]

**§ 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]**