

would be reportable. However, amounts due as of October 1 but remaining unpaid at December 31 would not be reportable.

## PART 269—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

Sec.

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AUTHORITY: 28 U.S.C. 2461 note.

SOURCE: 61 FR 67945, Dec. 26, 1996, unless otherwise noted.

### § 269.1 Scope and purpose.

The purpose of this part is to establish a mechanism for the regular adjustment for inflation of civil monetary penalties under the jurisdiction of the Department of Defense. Applicable civil monetary penalties must be adjusted in conformity with the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996, Public Law 104–134, April 26, 1996, and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, November 2, 2015, in order to improve the deterrent effect of civil monetary penalties and to promote compliance with the law.

[81 FR 33391, May 26, 2016]

### § 269.2 Definitions.

(a) *Department.* The Department of Defense.

(b) *Civil monetary penalty.* Any penalty, fine, or other sanction that:

(1)(i) Is for a specific monetary amount as provided by Federal law; or

(ii) Has a maximum amount provided by Federal law; and

(2) Is assessed or enforced by the Department pursuant to Federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal Courts.

(c) *Consumer Price Index.* The index for all urban consumers published by the Department of Labor.

[61 FR 67945, Dec. 26, 1996, as amended at 81 FR 33391, May 26, 2016]

### § 269.3 Civil monetary penalty inflation adjustment.

The Department must, not later than July 1, 2016 and not later than January 15 of every year thereafter—

(a) By regulation, adjust each civil monetary penalty provided by law within the jurisdiction of the Department by the inflation adjustment described in § 269.4; and

(b) Publish each such update in the FEDERAL REGISTER.

[61 FR 67945, Dec. 26, 1996, as amended at 81 FR 33391, May 26, 2016]

### § 269.4 Cost of living adjustments of civil monetary penalties.

(a) The inflation adjustment under § 269.3 must be determined by increasing the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment. Any increase determined under this subsection shall be rounded to the nearest multiple of \$1.

(b) For purposes of paragraph (a) of this section, the term “cost-of-living adjustment” means the percentage (if any) for each civil monetary penalty by which the Consumer Price Index for the month of October preceding the date of the adjustment (January 15), exceeds the Consumer Price Index for the month of October in the previous calendar year. For example, if the Consumer Price Index for October 2016 is 1.0 and the Consumer Price Index for October 2015 was 0.75, then all applicable penalties will need to be positively adjusted by 0.25 by January 15, 2017.

(c) *Limitation on initial adjustment.* The initial adjustment of civil monetary penalty pursuant to § 269.3 may not exceed 150 percent of such penalty.

(d) *Inflation adjustment.* Maximum civil monetary penalties within the jurisdiction of the Department are adjusted for inflation as follows:

United States Code	Civil monetary penalty description	Maximum penalty amount as of 10/23/96	New adjusted maximum penalty amount
National Defense Authorization Act for FY 2005, 10 U.S.C 113, note.	Unauthorized Activities Directed at or Possession of Sunken Military Craft.	Not Applicable <sup>1</sup> .....	\$124,588
10 U.S.C. 1094(c)(1) .....	Unlawful Provision of Health Care .....	\$5,500 .....	10,940
10 U.S.C. 1102(k) .....	Wrongful Disclosure—Medical Records:		
	First Offense .....	3,300 .....	6,469
	Subsequent Offense .....	22,000 .....	43,126
10 U.S.C. 2674(c)(2) .....	Violation of the Pentagon Reservation Operation and Parking of Motor Vehicles Rules and Regulations.	Not Applicable <sup>1</sup> .....	1,782
31 U.S.C. 3802(a)(1) .....	Violation Involving False Claim .....	5,500 .....	10,781
31 U.S.C. 3802(a)(2) .....	Violation Involving False Statement .....	5,500 .....	10,781

<sup>1</sup> Penalties were not identified in the 1996 publication of this chart and/or were not established by statute or regulation in 1996.

[81 FR 33391, May 26, 2016]

### § 269.5 Application of increase to violations.

Any increase in a civil monetary penalty under this part must apply only to civil monetary penalties, including those whose associated violation predated such increase, which are assessed after the date the increase takes effect (*i.e.*, July 1, 2016).

[61 FR 67945, Dec. 26, 1996, as amended at 81 FR 33391, May 26, 2016]

## PART 270—COMPENSATION OF CERTAIN FORMER OPERATIVES INCARCERATED BY THE DEMOCRATIC REPUBLIC OF VIETNAM

### Subpart A—General

Sec.

- 270.1 Purpose.
- 270.2 Definitions.
- 270.3 Effective date.

### Subpart B—Commission

- 270.4 Membership.
- 270.5 Staff.

### Subpart C—Standards and Verification of Eligibility

- 270.6 Standards of eligibility.
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### Subpart D—Payment

- 270.8 Authorization of payment.
- 270.9 Amount of payment.
- 270.10 Time limitations.
- 270.11 Limitation on disbursements.
- 270.12 Payment in full satisfaction of all claims against the United States.
- 270.13 No right to judicial review or legal cause of action.

- 270.14 Limitation on attorneys fees.
- 270.15 Waiver of notary requirement.

### Subpart E—Appeal Procedures

- 270.16 Notice of the Commission's determinations.
- 270.17 Procedures for filing petitions for reconsideration.
- 270.18 Action on reconsideration.

### Subpart F—Reports to Congress

- 270.19 Reports to Congress.

APPENDIX A TO PART 270—APPLICATION FOR COMPENSATION OF VIETNAMESE COMMANDOS

AUTHORITY: Sec. 657, Pub. L. 104-201, 110 Stat. 2422.

SOURCE: 63 FR 3472, Jan. 23, 1998, unless otherwise noted.

### Subpart A—General

#### § 270.1 Purpose.

The purpose of this part is to implement section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201), which authorizes the Secretary of Defense to make payments to persons who demonstrate to the satisfaction of the Secretary of Defense that the persons were captured and incarcerated by the Democratic Republic of Vietnam as a result of the participation by the persons in certain operations conducted by the Republic of Vietnam.

#### § 270.2 Definitions.

- (a) *Applicant*. A person applying for payments under this part.
- (b) *Child of an eligible person*. A recognized natural child, an adopted child,