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§ 83.635 Drug-free workplace.

Drug-free workplace means a site for the performance of work done in connection with a specific award at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

§ 83.640 Employee.

(a) *Employee* means the employee of a recipient directly engaged in the performance of work under the award, including—

- (1) All direct charge employees;
- (2) All indirect charge employees, unless their impact or involvement in the performance of work under the award is insignificant to the performance of the award; and
- (3) Temporary personnel and consultants who are directly engaged in the performance of work under the award and who are on the recipient's payroll.

(b) This definition does not include workers not on the payroll of the recipient (*e.g.*, volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the payroll; or employees of subrecipients or subcontractors in covered workplaces).

§ 83.645 Federal agency or agency.

Federal agency or agency means any United States executive department, military department, government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.

§ 83.650 Grant.

Grant means an award of financial assistance that, consistent with 31 U.S.C. 6304, is used to enter into a relationship—

(a) The principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the Federal Government's direct benefit or use; and

(b) In which substantial involvement is not expected between the Federal agency and the recipient when carrying out the activity contemplated by the award.

§ 83.655 Individual.

Individual means a natural person.

§ 83.660 Recipient.

Recipient means any individual, corporation, partnership, association, unit of government (except a Federal agency) or legal entity, however organized, that receives an award directly from a Federal agency.

§ 83.665 State.

State means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 83.670 Suspension.

Suspension means an action taken by a Federal agency that immediately prohibits a recipient from participating in Federal Government procurement contracts and covered non-procurement transactions for a temporary period, pending completion of an investigation and any judicial or administrative proceedings that may ensue. A recipient so prohibited is suspended, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Government-wide Debarment and Suspension (Non-procurement), that implements Executive Order 12549 and Executive Order 12689. Suspension of a recipient is a distinct and separate action from suspension of an award or suspension of payments under an award.

PART 85—CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT

- Sec.
- 85.1 In general.
- 85.2 [Reserved]
- 85.3 Adjustments to penalties for violations occurring on or before November 2, 2015.
- 85.5 Adjustments to penalties for violations occurring after November 2, 2015.

AUTHORITY: 5 U.S.C. 301, 28 U.S.C. 503; Pub. L. 101–410, 104 Stat. 890, as amended by Pub.

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L. 104-134, 110 Stat. 1321; Pub. L. 114-74, section 701, 28 U.S.C. 2461 note.

SOURCE: Order No. 2249-99, 64 FR 47103, Aug. 30, 1999, unless otherwise noted.

§ 85.1 In general.

(a) For violations occurring on or before November 2, 2015, and for civil penalties assessed before August 1, 2016, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department of Justice and listed in section 85.3 are adjusted as set forth in that section, in accordance with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 104-410, 104 Stat. 890, in effect prior to November 2, 2015.

(b) For civil penalties assessed after August 1, 2016, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department of Justice are adjusted as set forth in section 85.5, in accordance with the requirements of the Bipartisan Budget Act of 2015, Public Law 114-74, section 701 (Nov. 2, 2015), 28 U.S.C. 2461 note.

[AG Order No. 3690-2016, 81 FR 42500, June 30, 2016]

§ 85.2 [Reserved]

§ 85.3 Adjustments to penalties for violations occurring on or before November 2, 2015.

For all violations occurring on or before November 2, 2015, and for assessments made before August 1, 2016, for violations occurring after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the respective components of the Department, as set forth in paragraphs (a) through (d) of this section, are adjusted as provided in this section in accordance with the inflation adjustment procedures prescribed in section 5 of the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, as in effect prior to November 2, 2015. The adjusted penalties set forth in paragraphs (a), (c), and (d) of this section are effective for violations occurring on or after September 29, 1999, and on or before November 2, 2015, and for

assessments made before August 1, 2016, for violations occurring after November 2, 2015. For civil penalties assessed after August 1, 2016, whose associated violations occurred after November 2, 2015, see the adjusted penalty amounts in section 85.5.

(a) *Civil Division*. (1) 5 U.S.C. App. 4 102(f)(6)(C)(i), Ethics in Government Act of 1978, knowing and willful disclosure, solicitation, or receipt of information with respect to blind trusts: from \$10,000 to \$11,000.

(2) 5 U.S.C. App. 4 102(f)(6)(C)(ii), Ethics in Government Act of 1978, negligent disclosure, solicitation, or receipt of information with respect to blind trusts: from \$5,000 to \$5,500.

(3) 5 U.S.C. App. 4 104(a), Ethics in Government Act of 1978, falsification or failure to file required reports: from \$10,000 to \$11,000.

(4) 5 U.S.C. App. 4 105(c)(2), Ethics in Government Act of 1978, unlawful acquisition or use of public reports: from \$10,000 to \$11,000.

(5) 5 U.S.C. App. 4 504(a), Ethics Reform Act of 1989, violations of limitations on outside earned income and employment: from \$10,000 to \$11,000.

(6) 12 U.S.C. 1833a(b)(1), Financial Institutions Reform, Recovery, and Enforcement Act of 1989, violation: from \$1,000,000 to \$1,100,000.

(7) 12 U.S.C. 1833a(b)(2), Financial Institutions Reform, Recovery, and Enforcement Act of 1989, continuing violations (per day): minimum from \$1,000,000 to \$1,100,000; maximum from \$5,000,000 to \$5,500,000.

(8) 22 U.S.C. 2399b(a)(3)(A), Foreign Assistance Act of 1961, fraudulent claim for assistance: from \$2,000 to \$2,200.

(9) 31 U.S.C. 3729(a), False Claims Act, violations: minimum from \$5,000 to \$5,500; maximum from \$10,000 to \$11,000.

(10) 31 U.S.C. 3802(a)(1), Program Fraud Civil Remedies Act, violation involving false claim: from \$5,000 to \$5,500.

(11) 31 U.S.C. 3802(a)(2), Program Fraud Civil Remedies Act, violation involving false statement: from \$5,000 to \$5,500.

(12) 40 U.S.C. 489(b)(1), Federal Property and Administrative Services Act

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of 1949, violation involving surplus government property: from \$2,000 to \$2,200.

(13) 41 U.S.C. 55(a)(1)(B), Anti-Kickback Act of 1986, violation involving kickbacks: from \$10,000 to \$11,000.

(b) *Civil Rights Division.* (1) 18 U.S.C. 248(c)(2)(B), Freedom of Access to Clinic Entrances Act of 1994 (Nonviolent Physical Obstruction):

(i) The civil monetary penalty amount for a first order for nonviolent physical obstruction, initially set at \$10,000, is adjusted to \$11,000 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$16,000 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent order for nonviolent physical obstruction, initially set at \$15,000, is adjusted to \$16,500 for a violation occurring on or after April 28, 2014.

(2) 18 U.S.C. 248(c)(2)(B), Freedom of Access to Clinic Entrances Act of 1994 (Other Violations):

(i) The civil monetary penalty amount for a first order other than for nonviolent physical obstruction, initially set at \$15,000, is adjusted to \$16,500 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent order other than for nonviolent physical obstruction, initially set at \$25,000, is adjusted to \$27,500 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$37,500 for a violation occurring on or after April 28, 2014.

(3) 42 U.S.C. 3614(d)(1)(C), Fair Housing Act of 1968, as amended (Pattern or Practice Violation):

(i) The civil monetary penalty amount for a first order, initially set at \$50,000, is adjusted to \$55,000 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$75,000 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent order, initially set at \$100,000, is adjusted to \$110,000 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$150,000

for a violation occurring on or after April 28, 2014.

(4) 50 U.S.C. App. 597(b)(3), Servicemembers Civil Relief Act of 2003, as amended:

(i) The civil monetary penalty amount for a first violation, initially set at \$55,000, is adjusted to \$60,000 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent violation, initially set at \$110,000, is adjusted to \$120,000 for a violation occurring on or after April 28, 2014.

(c) *Criminal Division.* 18 U.S.C. 216(b), Ethics Reform Act of 1989, violation: from \$50,000 to \$55,000.

(d) *Drug Enforcement Administration.* 21 U.S.C. 961(1), Controlled Substances Import Export Act, transshipment and in-transit shipment of controlled substances: from \$25,000 to \$27,500.

[Order No. 2249–99, 64 FR 47103, Aug. 30, 1999, as amended by AG Order No. 3324–2014, 79 FR 17436, Mar. 28, 2014; AG Order 3690–2016, 81 FR 42500, June 30, 2016]

§ 85.5 Adjustments to penalties for violations occurring after November 2, 2015.

For civil penalties assessed after June 19, 2020, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department are adjusted as set forth in the seventh column of the following table. For civil penalties assessed after January 29, 2018, and on or before June 19, 2020, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department are those set forth in the sixth column of table 1 to this section. For civil penalties assessed after February 3, 2017, and on or before January 29, 2018, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department are those set forth in the fifth column of table 1 to this section. For civil penalties assessed after August 1, 2016, and on or before February 3, 2017, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within

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the jurisdiction of the Department are those set forth in the fourth column of table 1 to this section. All figures set forth in this table are maximum penalties, unless otherwise indicated.

TABLE 1 TO § 85.5

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 8/1/16 (\$)	DOJ penalty assessed after 2/3/17 (\$)	DOJ penalty assessed after 1/29/2018 (\$) ¹	DOJ penalty assessed after June 19, 2020 (\$) ²
ATF						
18 U.S.C. 922(t)(5)	Brady Law—Nat'l Instant Criminal Check System; Transfer of firearm without checking NICS. Child Safety Lock Act; Secure gun storage or safety device, violation.	.....	8,162	8,296	8,465	8,831.
18 U.S.C. 924(p) .....	.....	.....	2,985	3,034	3,096	3,230.
Civil Division						
12 U.S.C. 1833a(b)(1) ...	Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) Violation.	28 CFR 85.3(a)(6) ..	1,893,610	1,924,589	1,963,870	2,048,915.
12 U.S.C. 1833a(b)(2) ...	FIRREA Violation (continuing) (per day).	28 CFR 85.3(a)(7) ..	1,893,610	1,924,589	1,963,870	2,048,915.
12 U.S.C. 1833a(b)(2) ...	FIRREA Violation (continuing).	28 CFR 85.3(a)(7) ..	9,468,050	9,622,947	9,819,351	10,244,577.
22 U.S.C. 2399b(a)(3)(A)	Foreign Assistance Act; Fraudulent Claim for Assistance (per act).	28 CFR 85.3(a)(8) ..	5,500	5,590	5,704	5,951.
31 U.S.C. 3729(a)	False Claims Act; ³ Violations.	28 CFR 85.3(a)(9) ..	Min 10,781, Max 21,563.	Min 10,957, Max 21,916.	Min 11,181, Max 22,363.	Min 11,665, Max 23,331.
31 U.S.C. 3802(a)(1)	Program Fraud Civil Remedies Act; Violations Involving False Claim (per claim).	28 CFR 71.3(a)	10,781	10,957	11,181	11,665.

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31 U.S.C. 3802(a)(2)	Program Fraud Civil Remedies Act; Violation Involving False Statement	28 CFR 71.3(f)	10,781	10,957	11,181	11,665.
40 U.S.C. 123(a)(1)(A) ..	Federal Property and Administrative Services Act; Violation Involving Surplus Government Property (per act).	28 CFR 85.3(a)(12)	5,500	5,590	5,704	5,951.
41 U.S.C. 8706(a)(1)(B)	Anti-Kickback Act; Violation Involving Kickbacks ⁴ (per occurrence).	28 CFR 85.3(a)(13)	21,563	21,916	22,363	23,331.
18 U.S.C. 2723(b)	Driver's Privacy Protection Act of 1994; Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records—Substantial Non-compliance (per day). Ethics Reform Act of 1989; Penalties for Conflict of Interest Crimes ⁵ (per violation).	.....	7,954	8,084	8,249	8,606.
18 U.S.C. 216(b) .....	.....	28 CFR 85.3(c)	94,681	96,230	98,194	102,446.
41 U.S.C. 2105(b)(1)	Office of Federal Procurement Policy Act; ⁶ Violation by an individual (per violation).	.....	98,935	100,554	102,606	107,050.
41 U.S.C. 2105(b)(2)	Office of Federal Procurement Policy Act; ⁶ Violation by an organization (per violation).	.....	989,345	1,005,531	1,026,054	1,070,487.

TABLE 1 TO § 85.5—Continued

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 8/1/16 (\$)	DOJ penalty assessed after 2/3/17 (\$)	DOJ penalty assessed after 1/29/2018 (\$) ¹	DOJ penalty assessed after June 19, 2020 (\$) ²
42 U.S.C. 5157(d)	Disaster Relief Act of 1974; 7 Violation (per violation).		12,500	12,705	12,964	13,525.
Civil Rights Division (excluding immigration-related penalties)						
18 U.S.C. 248(c)(2)(B)(i)	Freedom of Access to Clinic Entrances Act of 1994 ("FACE Act"); Nonviolent physical obstruction, first violation.	28 CFR 85.3(b)(1)(i)	15,909	16,169	16,499	17,161.
18 U.S.C. 248(c)(2)(B)(ii)	FACE Act; Non-violent physical obstruction, subsequent violation.	28 CFR 85.3(b)(1)(ii).	23,863	24,253	24,748	25,820.
18 U.S.C. 248(c)(2)(B)(i)	FACE Act; Violation other than a non-violent physical obstruction, first violation.	28 CFR 85.3(b)(2)(i)	23,863	24,253	24,748	25,820.
18 U.S.C. 248(c)(2)(B)(ii)	FACE Act; Violation other than a non-violent physical obstruction, subsequent violation.	28 CFR 85.3(b)(2)(ii).	39,772	40,423	41,248	43,034.
42 U.S.C. 3614(d)(1)(C)(i).	Fair Housing Act of 1968; first violation.	28 CFR 85.3(b)(3)(i)	98,935	100,554	102,606	107,050.
42 U.S.C. 3614(d)(1)(C)(ii).	Fair Housing Act of 1968; subsequent violation.	28 CFR 85.3(b)(3)(ii).	197,869	201,106	205,211	214,097.

42 U.S.C. 12188(b)(2)(C)(i).	Americans With Disabilities Act; Public accommodations for individuals with disabilities, first violation.	28 CFR 36.504(a)(3)(i).	89,078	90,535	92,383	96,384.
42 U.S.C. 12188(b)(2)(C)(ii).	Americans With Disabilities Act; Public accommodations for individuals with disabilities, subsequent violation.	28 CFR 36.504(a)(3)(ii).	178,156	181,071	184,767	192,768.
50 U.S.C. 4041(b)(3)	Servicemembers Civil Relief Act of 2003; first violation.	28 CFR 85.3(b)(4)(i)	59,810	60,788	62,029	64,715.
50 U.S.C. 4041(b)(3)	Servicemembers Civil Relief Act of 2003; subsequent violation.	28 CFR 85.3(b)(4)(ii).	119,620	121,577	124,058	129,431.
Criminal Division						
18 U.S.C. 983(h)(1)	Civil Asset Forfeiture Reform Act of 2000; Penalty for Frivolous Assertion of Claim.	.....	Min 342, Max 6,834	Min 348, Max 6,946	Min 355, Max 7,088	Min 370, Max 7,395.
18 U.S.C. 1956(b)	Money Laundering Control Act of 1986; Violation ^a.	.....	21,563	21,916	22,363	23,331.
DEA						
21 U.S.C. 844a(a)	Anti-Drug Abuse Act of 1988; Possession of small amounts of controlled substances (per violation).	28 CFR 76.3(a)	19,787	20,111	20,521	21,410.

TABLE 1 TO § 85.5—Continued

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 8/1/16 (\$)	DOJ penalty assessed after 2/3/17 (\$)	DOJ penalty assessed after 1/29/2018 (\$) ¹	DOJ penalty assessed after June 19, 2020 (\$) ²
21 U.S.C. 961(1)	Controlled Substance Import Export Act; Drug abuse, import or export.	28 CFR 85.3(d)	68,750	69,875	71,301	74,388.
21 U.S.C. 842(c)(1)(A) ..	Controlled Substances Act ("CSA"); Violations of 842(a)—other than (5), (10), (16), and (17) —Prohibited acts re: controlled substances (per violation).	.....	62,500	63,523	64,820	67,627.
21 U.S.C. 842(c)(1)(B)(i)	CSA; Violations of 842(a)(5), (10), and (17)—Prohibited acts re: controlled substances.	.....	14,502	14,739	15,040	15,691.
21 U.S.C. 842(c)(1)(B)(ii)	SUPPORT for Patients and Communities Act; Violations of 842(b)(ii)—Failures re: opioids.	.....	.....	.....	100,000 (Statutory amount of new penalty enacted 10/24/18) ¹¹ .	101,764.
21 U.S.C. 842(c)(1)(C) ..	CSA; Violation of 825(e) by importer, exporter, manufacturer, or distributor—False labeling of anabolic steroids (per violation).	.....	500,855	509,049	519,439	541,933.

21 U.S.C. 842(c)(1)(D) ..	CSA; Violation of 825(e) at the retail level—False labeling of anabolic steroids (per violation).	1,002	1,018	1,039	1,084
21 U.S.C. 842(c)(2)(C) ..	CSA; Violation of 842(a)(11) by a business—Distribution of laboratory supply with reckless disregard ⁹ .	375,613	381,758	389,550	406,419
21 U.S.C. 842(c)(2)(D) ..	SUPPORT for Patients and Communities Act; Violations of 842(a)(5), (10), and (17) by a registered manufacturer or distributor of opioids. Failures re: opioids.	.....	.....	500,000 (Statutory amount of new penalty enacted 10/24/18) ¹¹ .	508,820
21 U.S.C. 856(d)	Illicit Drug Anti-Proliferation Act of 2003; Maintaining drug-involved premises ¹⁰ .	321,403	326,661	333,328	374,763
Immigration-Related Penalties					
8 U.S.C. 1324a(e)(4)(A)(i).	Immigration Reform and Control Act of 1986 ("IRCA"); Unlawful employment of aliens, first order (per unauthorized alien).	28 CFR 68.52(c)(1)(i).	Min 548, Max 4,384	Min 559, Max 4,473	Min 583, Max 4,667.
8 U.S.C. 1324a(e)(4)(A)(ii).	IRCA; Unlawful employment of aliens, second order (per such alien).	28 CFR 68.52(c)(1)(ii).	Min 4,384, Max 10,957.	Min 4,473, Max 11,181.	Min 4,667, Max 11,665.

TABLE 1 TO § 85.5—Continued

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 8/1/16 (\$)	DOJ penalty assessed after 2/3/17 (\$)	DOJ penalty assessed after 1/29/2018 (\$) ¹	DOJ penalty assessed after June 19, 2020 (\$) ²
8 U.S.C. 1324a(e)(4)(A)(iii).	IRCA; Unlawful employment of aliens, subsequent order (per such alien).	28 CFR 68.52(c)(1)(iii).	Min 6,469, Max 21,563.	Min 6,575, Max 21,916.	Min 6,709, Max 22,363.	Min 6,999, Max 23,331.
8 U.S.C. 1324a(e)(5)	IRCA; Paperwork violation (per relevant individual).	28 CFR 68.52(c)(5)	Min 216, Max 2,156	Min 220, Max 2,191	Min 224, Max 2,236	Min 234, Max 2,332.
8 U.S.C. 1324a, (note) ..	IRCA; Violation relating to participating employer's failure to notify of final nonconfirmation of employee's employment eligibility (per relevant individual).	28 CFR 68.52(c)(6)	Min 751, Max 1,502	Min 763, Max 1,527	Min 779, Max 1,558	Min 813, Max 1,625.
8 U.S.C. 1324a(g)(2)	IRCA; Violation/prohibition of indemnity bonds (per violation).	28 CFR 68.52(c)(7)	2,156	2,191	2,236	2,332.
8 U.S.C. 1324b(g)(2)(B)(iv)(I).	IRCA; Unfair immigration-related employment practices, first order (per individual discriminated against).	28 CFR 68.52(d)(1)(viii).	Min 445, Max 3,563	Min 452, Max 3,621	Min 461, Max 3,695	Min 481, Max 3,855.
8 U.S.C. 1324b(g)(2)(B)(iv)(II).	IRCA; Unfair immigration-related employment practices, second order (per individual discriminated against).	28 CFR 68.52(d)(1)(ix).	Min 3,563, Max 8,908.	Min 3,621, Max 9,054.	Min 3,695, Max 9,239.	Min 3,855, Max 9,639.

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<p>8 U.S.C. 1324b(g)(2)(B)(iv)(III).</p>	<p>IRCA; Unfair immigration-related employment practices, subsequent order (per individual discriminated against).</p>	<p>28 CFR 68.52(d)(1)(x).</p>	<p>Min 5,345, Max 17,816.</p>	<p>Min 5,432, Max 18,107.</p>	<p>Min 5,543, Max 18,477.</p>	<p>Min 5,783, Max 19,277.</p>
<p>8 U.S.C. 1324b(g)(2)(B)(iv)(IV).</p>	<p>IRCA; Unfair immigration-related employment practices, unfair documentary practices (per individual discriminated against).</p>	<p>28 CFR 68.52(d)(1)(xii).</p>	<p>Min 178, Max 1,782.</p>	<p>Min 181, Max 1,811.</p>	<p>Min 185, Max 1,848.</p>	<p>Min 193, Max 1,928.</p>
<p>8 U.S.C. 1324c(d)(3)(A)</p>	<p>IRCA; Document fraud, first order— for violations described in U.S.C. 1324c(a)(1)–(4) (per document).</p>	<p>28 CFR 68.52(e)(1)(i).</p>	<p>Min 445, Max 3,563.</p>	<p>Min 452, Max 3,621.</p>	<p>Min 461, Max 3,695.</p>	<p>Min 481, Max 3,855.</p>
<p>8 U.S.C. 1324c(d)(3)(B)</p>	<p>IRCA; Document fraud, subsequent order—for violations described in U.S.C. 1324c(a)(1)–(4) (per document).</p>	<p>28 CFR 68.52(e)(1)(iii).</p>	<p>Min 3,563, Max 8,908.</p>	<p>Min 3,621, Max 9,054.</p>	<p>Min 3,695, Max 9,239.</p>	<p>Min 3,855, Max 9,639.</p>
<p>8 U.S.C. 1324c(d)(3)(A)</p>	<p>IRCA; Document fraud, first order—for violations described in U.S.C. 1324c(a)(5)–(6) (per document).</p>	<p>28 CFR 68.52(e)(1)(ii).</p>	<p>Min 376, Max 3,005.</p>	<p>Min 382, Max 3,054.</p>	<p>Min 390, Max 3,116.</p>	<p>Min 407, Max 3,251.</p>
<p>8 U.S.C. 1324c(d)(3)(B)</p>	<p>IRCA; Document fraud, subsequent order—for violations described in U.S.C. 1324c(a)(5)–(6) (per document).</p>	<p>28 CFR 68.52(e)(1)(iv).</p>	<p>Min 3,005, Max 7,512.</p>	<p>Min 3,054, Max 7,635.</p>	<p>Min 3,116, Max 7,791.</p>	<p>Min 3,251, Max 8,128.</p>

TABLE 1 TO § 85.5—Continued

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 8/1/16 (\$)	DOJ penalty assessed after 2/3/17 (\$)	DOJ penalty assessed after 1/29/2018 (\$) ¹	DOJ penalty assessed after June 19, 2020 (\$) ²
FBI						
49 U.S.C. 30505(a)	National Motor Vehicle Title Identification System; Violation (per violation).	.....	1,591	1,617	1,650	1,722.
Office of Justice Programs						
34 U.S.C. 10231(d)	Confidentiality of information; State and Local Criminal History Record Information Systems—Right to Privacy Violation.	28 CFR 20.25	27,500	27,950	28,520	29,755.

¹ The figures set forth in this column represent the penalty as last adjusted by Department of Justice regulation on January 29, 2018.
² All figures set forth in this table are maximum penalties, unless otherwise indicated.
³ Section 3729(a)(1) of Title 31 provides that any person who violates this section is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, plus 3 times the amount of damages which the Government sustains because of the act of that person. 31 U.S.C. 3729(a)(1) (2015). Section 3729(a)(2) permits the court to reduce the damages under certain circumstances to not less than 2 times the amount of damages which the Government sustains because of the act of that person. *Id.* section 3729(a)(2). The adjustment made by this regulation is only applicable to the specific statutory penalty amounts stated in subsection (a)(1), which is only one component of the civil penalty imposed under section 3729(a)(1).
⁴ Section 8706(a)(1) of Title 41 provides that the Federal Government in a civil action may recover from a person that knowingly engages in conduct prohibited by section 8702 of Title 44 a civil penalty equal to twice the amount of each kickback involved in the violation and not more than \$10,000 for each occurrence of prohibited conduct. 41 U.S.C. 8706(a)(1) (2015). The adjustment made by this regulation is only applicable to the specific statutory penalty amount stated in subsection (a)(1)(B), which is only one component of the civil penalty imposed under section 8706.
⁵ Section 216(b) of Title 18 provides that the civil penalty should be no more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. 18 U.S.C. 216(b) (2015). Therefore, the adjustment made by this regulation is only applicable to the specific statutory penalty amount stated in subsection (b), which is only one aspect of the possible civil penalty imposed under section 216(b).

⁶ Section 2105(b) of Title 41 provides that the Attorney General may bring a civil action in an appropriate district court of the United States against a person that engages in conduct that violates section 2102, 2103, or 2104 of Title 41, 41 U.S.C. 2105(b) (2015). Section 2105(b) further provides that on proof of that conduct by a preponderance of the evidence, an individual is liable to the Federal Government for a civil penalty of not more than \$50,000 for each violation plus twice the amount of compensation that the individual received or offered for the prohibited conduct, and an organization is liable to the Federal Government for a civil penalty of not more than \$500,000 for each violation plus twice the amount of compensation that the organization received or offered for the prohibited conduct. *Id.* section 2105(b). The adjustments made by this regulation are only applicable to the specific statutory penalty amounts stated in subsections (b)(1) and (b)(2), which are each only one component of the civil penalties imposed under sections 2105(b)(1) and (b)(2).

⁷ The Attorney General has authority to bring a civil action when a person has violated or is about to violate a provision under this statute. 42 U.S.C. 5157(b) (2015). The Federal Emergency Management Agency has promulgated regulations regarding this statute and has adjusted the penalty in its regulation. 44 CFR 206.14(d) (2015). The Department of Health and Human Services (HHS) has also promulgated a regulation regarding the penalty under this statute. 42 CFR 38.8 (2015).

⁸ Section 1956(b)(1) of Title 18 provides that whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or section 1957, or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of the value of the property, funds, or monetary instruments involved in the transaction; or \$10,000. 18 U.S.C. 1956(b)(1) (2015). The adjustment made by this regulation is only applicable to the specific statutory penalty amount stated in subsection (b)(1)(B), which is only one aspect of the possible civil penalty imposed under section 1956(b).

⁹ Section 842(c)(2)(C) of Title 21 provides that in addition to the penalties set forth elsewhere in the subchapter or subchapter II of the chapter, any business that violates paragraph (11) of subsection (a) of the section shall, with respect to the first such violation, be subject to a civil penalty of not more than \$250,000, but shall not be subject to criminal penalties under the section, and shall, for any succeeding violation, be subject to a civil fine of not more than \$250,000 or double the last previously imposed penalty, whichever is greater. 21 U.S.C. 842(c)(2)(C) (2015). The adjustment made by this regulation regarding the penalty for a succeeding violation is only applicable to the specific statutory penalty amount stated in subsection (c)(2)(C), which is only one aspect of the possible civil penalty for a succeeding violation imposed under section 842(c)(2)(C).

¹⁰ Section 856(d)(1) of Title 21 provides that any person who violates subsection (a) of the section shall be subject to a civil penalty of not more than the greater of \$250,000; or 2 times the gross receipts, either known or estimated, that were derived from each violation that is attributable to the person. 21 U.S.C. 856(d)(1) (2015). The adjustment made by this regulation is only applicable to the specific statutory penalty amount stated in subsection (d)(1)(A), which is only one aspect of the possible civil penalty imposed under section 856(d)(1).

¹¹ The SUPPORT for Patients and Communities Act, Public Law 115-271, was enacted October 24, 2018.

[AG Order No. 4693–2020, 85 FR 37005, June 19, 2020]

PART 90—VIOLENCE AGAINST WOMEN

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Subpart E [Reserved]

AUTHORITY: 42 U.S.C. 3796gg *et seq.*; 42 U.S.C. 3796hh *et seq.*, 42 U.S.C. 13925

SOURCE: 60 FR 19477, Apr. 18, 1995, unless otherwise noted.

Subpart A—General Provisions

§ 90.1 General.

(a) This part implements certain provisions of the Violence Against Women Act (VAWA), and subsequent legislation as follows:

(1) The Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (Sept. 13, 1994);

(2) The Violence Against Women Act of 2000 (VAWA 2000), Division B of the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106–386 (Oct. 28, 2000);

(3) The Violence Against Women Office Act, Title IV of the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107–273 (Nov. 2, 2002);

(4) The Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109–162 (January 5, 2006); and,

(5) The Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 113–4 (Mar. 7, 2013).

(b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This program is codified at 42 U.S.C. 3796gg through 3796gg–5 and 3796gg–8.

(c) Subpart C of this part was removed on September 9, 2013.

(d) Subpart D of this part defines program eligibility criteria and sets forth requirements for the discretionary Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

(e) Subpart A of this part applies to all grants made by OVW and subgrants made under the STOP Violence Against Women Formula Program (STOP Program) and the Sexual Assault Services Formula Grant Program after the effective date of this rule. Subpart B of this part applies to all STOP Program grants issued by OVW after the effective date of the rule and to all subgrants issued by states under the STOP Program after the effective date of the rule, even if the underlying grant was