This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF HOMELAND SECURITY

6 CFR Part 27

8 CFR Parts 270, 274a, and 280

U.S. Customs and Border Protection

19 CFR Part 4

Coast Guard

33 CFR Part 27

Transportation Security Administration

49 CFR Part 1503

RIN 1601-AA80

Civil Monetary Penalty Adjustments for Inflation

AGENCY: Department of Homeland Security.

ACTION: Final rule.

SUMMARY: In this final rule, the Department of Homeland Security (DHS) is making the 2019 annual inflation adjustment to its civil monetary penalties. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) was signed into law on November 2, 2015. Pursuant to the 2015 Act, all agencies must adjust civil monetary penalties annually and publish the adjustment in the Federal Register. Accordingly, this final rule adjusts DHS’s civil monetary penalties for 2019 pursuant to the 2015 Act and OMB guidance. The new penalties will be effective for penalties assessed after April 5, 2019 whose associated violations occurred after November 2, 2015.

DATES: This rule is effective on April 5, 2019.


SUPPLEMENTARY INFORMATION:

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   D. U.S. Coast Guard
   E. Transportation Security Administration
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   C. Unfunded Mandates Reform Act
   D. Paperwork Reduction Act
VI. Signing Authority

I. Statutory and Regulatory Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74 section 701 (Nov. 2, 2015)) (2015 Act).1 The 2015 Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act required agencies to: (1) Adjust the level of civil monetary penalties with an initial “catch-up” adjustment through issuance of an Interim Final Rule (IFR) and (2) make subsequent annual adjustments for inflation. Through the “catch-up” adjustment, agencies were required to adjust the maximum amounts of civil monetary penalties to more accurately reflect inflation rates.

For the subsequent annual adjustments, the 2015 Act requires agencies to increase the penalty amounts by a cost-of-living adjustment. The 2015 Act directs OMB to provide guidance to agencies each year to assist agencies in making the annual adjustments. The 2015 Act requires agencies to make the annual adjustments no later than January 15 of each year and to publish the adjustments in the Federal Register. Pursuant to the 2015 Act, DHS undertook a review of the civil penalties that DHS and its components

2 The 2015 Act applies to all agency civil penalties except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) and the Tariff Act of 1930 (19 U.S.C. 1202 et seq.). See sec. 4(a)(1) of the 2015 Act. In the case of DHS, several civil penalties that are assessed by U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard fall under the Tariff Act of 1930, and thus DHS did not adjust those civil penalties in this rulemaking.

3 See 81 FR 42987.


5 See 82 FR 8572.

6 See 83 FR 13826.

8 The 2015 Act was enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015).
each component identified in Section III, below, we briefly describe the relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2019. In the table for each component, we show (1) the penalty name, (2) the penalty statutory and/or regulatory citation, (3) the penalty amount as adjusted in the 2017 final rule, (4) the cost-of-living adjustment multiplier for 2019 that OMB provided in its December 14, 2018 guidance, and (5) the new 2019 adjusted penalty. The 2015 Act instructs agencies to round penalties to the nearest $1. For a more complete discussion of the method used for calculating the initial “catch-up” inflation adjustments and a component-by-component breakdown to the nature of the civil penalties and relevant legal authorities, please see the IFR preamble at 81 FR 42987–43000.

III. Adjustments by Component

In the following sections, we briefly describe the civil penalties that DHS and its components assess. We include tables at the end of each section, which list the individual adjustments for each penalty.

A. Cybersecurity and Infrastructure Security Agency

The Cybersecurity and Infrastructure Security Agency (CISA) (formerly the National Protection and Programs Directorate [NPPD]) administers only one civil penalty that the 2015 Act affects. That penalty assesses fines for violations of the Chemical Facility Anti-Terrorism Standards (CFATS). CFATS is a program that regulates the security of chemical facilities that, in the discretion of the Secretary, present high levels of security risk. DHS established the CFATS program in 2007 pursuant to section 550 of the Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109–295). The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR). Below is a table showing the 2019 adjustment for the CFATS penalty that CISA administers.

<table>
<thead>
<tr>
<th>Penalty name</th>
<th>Citation</th>
<th>Penalty amount as adjusted in the 2018 FR</th>
<th>Multiplier *</th>
<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalty for non-compliance with CFATS regulations</td>
<td>6 U.S.C. 624(b)(1); 6 CFR 27.300(b)(3).</td>
<td>$34,013 per day</td>
<td>1.02522</td>
<td>$34,871</td>
</tr>
</tbody>
</table>


B. U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) assesses civil monetary penalties under various titles of the United States Code and the CFR. These include penalties for certain violations of title 8 of the CFR regarding the Immigration and Nationality Act of 1952 (Pub. L. 82–414, as amended) (INA). The INA contains provisions that impose penalties on persons, including carriers and aliens, who violate specified provisions of the INA. The relevant penalty provisions are located in numerous sections of the INA, however CBP has enumerated these penalties in regulation in one location—8 CFR 280.53. For a complete list of the INA sections for which penalties are assessed, in addition to a brief description of each violation, see the IFR preamble at 81 FR 42987–42990.

On December 8, 2017, CBP adjusted three non-INA penalties inadvertently left out of the IFR and 2017 final rule. The three penalties concerned the following violations: Transporting passengers coastwise for hire by certain vessels (known as Bowaters vessels) that do not meet specified conditions; and employing a vessel in a trade without a required Certificate of Documentation. This final rule incorporates these penalties, in addition to the other CBP penalties, and adjusts them according to the 2019 multiplier.

Below is a table showing the 2019 adjustment for the penalties that CBP administers.

<table>
<thead>
<tr>
<th>Penalty name</th>
<th>Citation</th>
<th>Penalty amount as adjusted in the 2018 FR</th>
<th>Multiplier *</th>
<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States.</td>
<td>8 U.S.C. 1221(g); 8 CFR 280.53(b)(1) (INA section 231(g)).</td>
<td>$1,360 $1,394</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* On November 16, 2018, the Cybersecurity and Infrastructure Security Agency Act of 2018 (Pub. L. 115–278), was enacted to redesignate NPPD as CISA. Henceforth, CISA is the DHS operational component responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs.


* See 82 FR 57821.

* See 83 FR 67069.
### TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS—Continued

<table>
<thead>
<tr>
<th>Penalty name</th>
<th>Citation</th>
<th>Penalty amount as adjusted in the 2018 FR</th>
<th>Multiplier *</th>
<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens.</td>
<td>8 U.S.C. 1224; 8 CFR 280.53(b)(2); (INA section 2341).</td>
<td>3,695 .......................</td>
<td>1.02522</td>
<td>3,788.</td>
</tr>
<tr>
<td>Penalties for failure to depart voluntarily</td>
<td>8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3) (INA section 2408B(d)).</td>
<td>1,558–7,791 ........................</td>
<td>1.02522</td>
<td>1,597–7,987.</td>
</tr>
<tr>
<td>Penalties for violations of removal orders relating to aliens transported on vessels or aircraft under section 241(d) of the INA, or for costs associated with removal under section 241(e) of the INA.</td>
<td>8 U.S.C. 1253(c)(1)(A); 8 CFR 280.53(b)(4); (INA section 243(c)(1)(A)).</td>
<td>3,116 .......................</td>
<td>1.02522</td>
<td>3,195.</td>
</tr>
<tr>
<td>Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the INA.</td>
<td>8 U.S.C. 1281(d); 8 CFR 280.53(b)(6); (INA section 251(d)).</td>
<td>9,239 .......................</td>
<td>1.02522</td>
<td>9,472.</td>
</tr>
<tr>
<td>Penalties for failure to control, detain, or remove alien crewmen.</td>
<td>8 U.S.C. 1284(a); 8 CFR 280.53(b)(7) (INA section 254(a)).</td>
<td>924–5,543 ..................</td>
<td>1.02522</td>
<td>947–5,683.</td>
</tr>
<tr>
<td>Penalties for employment on passenger vessels of aliens afflicted with certain disabilities.</td>
<td>8 U.S.C. 1285; 8 CFR 280.53(b)(8) (INA section 255).</td>
<td>1,848 .......................</td>
<td>1.02522</td>
<td>1,895.</td>
</tr>
<tr>
<td>Penalties for bringing into the United States alien crewmen with intent to evade immigration laws.</td>
<td>8 U.S.C. 1287; 8 CFR 280.53(b)(10); (INA section 257).</td>
<td>18,477 ......................</td>
<td>1.02522</td>
<td>18,943.</td>
</tr>
<tr>
<td>Penalties for failure to prevent the unauthorized landing of aliens.</td>
<td>8 U.S.C. 1321(a); 8 CFR 280.53(b)(11) (INA section 271(a)).</td>
<td>5,543 .......................</td>
<td>1.02522</td>
<td>5,683.</td>
</tr>
<tr>
<td>Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground.</td>
<td>8 U.S.C. 1322(a); 8 CFR 280.53(b)(12) (INA section 272(a)).</td>
<td>5,543 .......................</td>
<td>1.02522</td>
<td>5,683.</td>
</tr>
<tr>
<td>Penalties for bringing to the United States aliens without required documentation.</td>
<td>8 U.S.C. 1323(b); 8 CFR 280.53(b)(13) (INA section 273(b)).</td>
<td>5,543 .......................</td>
<td>1.02522</td>
<td>5,683.</td>
</tr>
<tr>
<td>Penalties for improper entry</td>
<td>8 U.S.C. 1325(b); 8 CFR 280.53(b)(15) (INA section 275(b)).</td>
<td>78–390 ....................</td>
<td>1.02522</td>
<td>80–400.</td>
</tr>
<tr>
<td>Penalty for dealing in or using empty stamped imported liquor containers.</td>
<td>19 U.S.C. 469 .......................</td>
<td>518 ................................</td>
<td>1.02522</td>
<td>*** 531.</td>
</tr>
<tr>
<td>Penalty for employing a vessel in a trade without a required Certificate of Documentation **.</td>
<td>19 U.S.C. 1706a; 19 CFR 4.80(i).</td>
<td>1,296 .......................</td>
<td>1.02522</td>
<td>1,329.</td>
</tr>
<tr>
<td>Penalty for transporting passengers coastwise for hire by certain vessels (known as Bowaters vessels) that do not meet specified conditions **.</td>
<td>46 U.S.C. 12118(l)(3) ........</td>
<td>518 .......................</td>
<td>1.02522</td>
<td>*** 531.</td>
</tr>
<tr>
<td>Penalty for transporting passengers between coastwise points in the United States by a non-coastwise qualified vessel.</td>
<td>46 U.S.C. 55103(b); 19 CFR 4.80(b)(2).</td>
<td>778 .......................</td>
<td>1.02522</td>
<td>798.</td>
</tr>
<tr>
<td>Penalty for towing a vessel between coastwise points in the United States by a non-coastwise qualified vessel.</td>
<td>46 U.S.C. 55111(c); 19 CFR 4.92.</td>
<td>907–2,852, plus 155 per ton.</td>
<td>1.02522</td>
<td>930–2,924, plus 159 per ton.</td>
</tr>
</tbody>
</table>


** Adjustments made in the December 28, 2018 final rule, 83 FR 67069.

*** No applicable conforming edit to regulatory text.
G. U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) assesses civil monetary penalties for certain employment-related violations arising from the INA. ICE’s civil penalties are located in title 8 of the CFR.

There are three different sections in the INA that impose civil monetary penalties for violations of the laws that relate to employment actions: Sections 274A, 274B, and 274C. ICE has primary enforcement responsibilities for two of these civil penalty provisions (sections 274A and 274C), and the Department of Justice (DOJ) has enforcement responsibilities for one of these civil penalty provisions (section 274B). The INA, in sections 274A and 274C, provides for imposition of civil penalties for various specified unlawful acts pertaining to the employment eligibility verification process (Form I-9, Employment Eligibility Verification), the employment of unauthorized aliens, and document fraud.

There are also two other civil penalty sections in the INA that ICE authorizes: Section 274B, which deals with the employment of unauthorized aliens, and Section 274D, which deals with failure to part after a final order of removal. These civil penalties are located in title 8 of the CFR.

Because both DHS and DOJ implement the three employment-related penalty sections in the INA, both Departments’ implementing regulations reflect the civil penalty amounts. For a complete description of the civil money penalties assessed and a discussion of DHS’s and DOJ’s efforts to update the penalties in years past, see the IFR preamble at 81 FR 42991. Below is a table showing the 2019 adjustment for the penalties that ICE administers.12

D. U.S. Coast Guard

The Coast Guard is authorized to assess close to 150 penalties involving maritime safety and security and environmental stewardship that are critical to the continued success of Coast Guard missions. Various statutes in titles 14, 16, 19, 33, 42, 46, and 49 of the United States Code authorize these penalties. Titles 33 and 46 authorize the vast majority of these penalties as these statutes deal with navigation, navigable waters, and shipping. Beyond titles 33 and 46, the Coast Guard is also authorized to collect civil monetary penalties related to the organization and management of the Coast Guard, aquatic species conservation, obstruction of revenue, and hazardous substances and materials. For a complete discussion of the civil monetary penalties assessed by the Coast Guard, see the IFR preamble at 81 FR 42992.

The Coast Guard has identified the penalties it administers, adjusted those penalties for inflation, and is listing those new penalties in a table located in the CFR—specifically, Table 1 in 33 CFR 27.3. Table 1 in 33 CFR 27.3 identifies the statutes that provide the Coast Guard with civil monetary penalty authority and sets out the inflation-adjusted maximum penalty that the Coast Guard may impose pursuant to each statutory provision. Table 1 in 33 CFR 27.3 provides the current maximum penalty for violations that occurred after November 2, 2015.14

The applicable civil penalty amounts for violations occurring on or before November 2, 2015 are set forth in a previously published regulations amending 33 CFR part 27. To find the applicable penalty amount for a violation that occurred on or before November 2, 2015, look to the prior versions of the CFR that pertain to the date on which the violation occurred. Table 4 below shows the 2019 adjustment for the penalties that the Coast Guard administers.

12Table 3 also includes two civil penalties that are also listed as penalties administered by CBP. These are penalties for failure to depart voluntarily, INA section 240B(d), and failure to depart after a final order of removal, INA section 240D. Both CBP and ICE may administer these penalties, but as ICE is the DHS component primarily responsible for assessing and collecting them, they are also listed among the penalties ICE administers.

13As written prior to this final rule, the regulatory text at 8 CFR 280.53(b)(14) did not make clear that the amount stated is a maximum. The statutory authority for the penalty, 8 U.S.C. 1229(d), is clear that the amount reflects a maximum penalty. Thus, consistent with the statutory authority, and to prevent any confusion, DHS is making a technical clarification with this final rule by adding the word “maximum” to paragraph (b)(14).

### TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS

<table>
<thead>
<tr>
<th>Penalty name</th>
<th>Citation</th>
<th>Penalty amount as adjusted in the 2018 FR</th>
<th>Multiplier *</th>
<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saving Life and Property</td>
<td>14 U.S.C. 521(c) ...........................................</td>
<td>$10,389</td>
<td>1.02522</td>
<td>$10,651</td>
</tr>
<tr>
<td>Saving Life and Property; Intentional Interference with Broadcast.</td>
<td>14 U.S.C. 521(e) ...........................................</td>
<td>$1,066</td>
<td>1.02522</td>
<td>$1,093</td>
</tr>
<tr>
<td>Confidentiality of Medical Quality Assurance Records (first offense).</td>
<td>14 U.S.C. 645(i); 33 CFR 27.3.</td>
<td>$5,218</td>
<td>1.02522</td>
<td>$5,350</td>
</tr>
<tr>
<td>Confidentiality of Medical Quality Assurance Records (subsequent offenses).</td>
<td>14 U.S.C. 645(i); 33 CFR 27.3.</td>
<td>$34,791</td>
<td>1.02522</td>
<td>$35,668</td>
</tr>
<tr>
<td>Aquatic Nuisance Species in Waters of the United States.</td>
<td>16 U.S.C. 4711(g)(1); 33 CFR 27.3.</td>
<td>$38,954</td>
<td>1.02522</td>
<td>$39,936</td>
</tr>
<tr>
<td>Obstruction of Revenue Officers by Masters of Vessels.</td>
<td>19 U.S.C. 70; 33 CFR 27.3.</td>
<td>$7,779</td>
<td>1.02522</td>
<td>$7,975</td>
</tr>
<tr>
<td>Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.</td>
<td>19 U.S.C. 70; 33 CFR 27.3.</td>
<td><strong>5,000</strong></td>
<td>N/A</td>
<td><strong>5,000</strong></td>
</tr>
<tr>
<td>Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge.</td>
<td>19 U.S.C. 1581(d) ...........................................</td>
<td><strong>5,000</strong></td>
<td>N/A</td>
<td><strong>5,000</strong></td>
</tr>
<tr>
<td>Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty.</td>
<td>19 U.S.C. 1581(d) ...........................................</td>
<td><strong>1,000</strong></td>
<td>N/A</td>
<td><strong>1,000</strong></td>
</tr>
<tr>
<td>Anchorage Ground/Harbor Regulations General</td>
<td>33 U.S.C. 471; 33 CFR 27.3.</td>
<td>$11,279</td>
<td>1.02522</td>
<td>$11,563</td>
</tr>
<tr>
<td>Anchorage Ground/Harbor Regulations St. Mary’s river.</td>
<td>33 U.S.C. 474; 33 CFR 27.3.</td>
<td>$778</td>
<td>1.02522</td>
<td>798</td>
</tr>
<tr>
<td>Bridges/Failure to Comply with Regulations</td>
<td>33 U.S.C. 495(b); 33 CFR 27.3.</td>
<td>$28,474</td>
<td>1.02522</td>
<td>$29,192</td>
</tr>
<tr>
<td>Bridges/Drawing Bridges</td>
<td>33 U.S.C. 499(c); 33 CFR 27.3.</td>
<td>$28,474</td>
<td>1.02522</td>
<td>$29,192</td>
</tr>
<tr>
<td>Bridges/Failure to Alter Bridge Obstructing Navigation</td>
<td>33 U.S.C. 502(c); 33 CFR 27.3.</td>
<td>$28,474</td>
<td>1.02522</td>
<td>$29,192</td>
</tr>
<tr>
<td>Bridge to Bridge Communication; Master, Person in Charge or Pilot.</td>
<td>33 U.S.C. 1208(a); 33 CFR 27.3.</td>
<td>$2,074</td>
<td>1.02522</td>
<td>2,126</td>
</tr>
<tr>
<td>Bridge to Bridge Communication; Vessel</td>
<td>33 U.S.C. 1208(b); 33 CFR 27.3.</td>
<td>$2,074</td>
<td>1.02522</td>
<td>2,126</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges (Class I per violation).</td>
<td>33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3.</td>
<td>$18,477</td>
<td>1.02522</td>
<td>$18,943</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges (Class I total under paragraph).</td>
<td>33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.</td>
<td>$46,192</td>
<td>1.02522</td>
<td>$47,357</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges (Class II per day of violation).</td>
<td>33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.</td>
<td>$18,477</td>
<td>1.02522</td>
<td>$18,943</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges (Class II total under paragraph).</td>
<td>33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.</td>
<td>$230,958</td>
<td>1.02522</td>
<td>$236,783</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) (Judicial Assessment).</td>
<td>33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.</td>
<td>$46,192</td>
<td>1.02522</td>
<td>$47,357</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) (Judicial Assessment)</td>
<td>33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.</td>
<td>$1,848</td>
<td>1.02522</td>
<td>$1,895</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).</td>
<td>33 U.S.C. 1321(b)(7)(B); 33 CFR 27.3.</td>
<td>$46,192</td>
<td>1.02522</td>
<td>$47,357</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).</td>
<td>33 U.S.C. 1321(b)(7)(C); 33 CFR 27.3.</td>
<td>$46,192</td>
<td>1.02522</td>
<td>$47,357</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) (Judicial Assessment).</td>
<td>33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.</td>
<td>$5,543</td>
<td>1.02522</td>
<td>$5,683</td>
</tr>
<tr>
<td>Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).</td>
<td>33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.</td>
<td>$184,767</td>
<td>1.02522</td>
<td>$189,427</td>
</tr>
<tr>
<td>Marine Sanitation Devices; Operating</td>
<td>33 U.S.C. 1322(j); 33 CFR 27.3.</td>
<td>$7,779</td>
<td>1.02522</td>
<td>$7,975</td>
</tr>
<tr>
<td>Marine Sanitation Devices; Sale or Manufacture</td>
<td>33 U.S.C. 1322(j); 33 CFR 27.3.</td>
<td>$20,742</td>
<td>1.02522</td>
<td>$21,265</td>
</tr>
<tr>
<td>International Navigation Rules; Operator</td>
<td>33 U.S.C. 1608(a); 33 CFR 27.3.</td>
<td>$14,543</td>
<td>1.02522</td>
<td>$14,910</td>
</tr>
<tr>
<td>International Navigation Rules; Vessel</td>
<td>33 U.S.C. 1608(b); 33 CFR 27.3.</td>
<td>$14,543</td>
<td>1.02522</td>
<td>$14,910</td>
</tr>
<tr>
<td>Pollution from Ships; General</td>
<td>33 U.S.C. 1908(b)(1); 33 CFR 27.3.</td>
<td>$72,718</td>
<td>1.02522</td>
<td>$74,552</td>
</tr>
<tr>
<td>Pollution from Ships; False Statement</td>
<td>33 U.S.C. 1908(b)(2); 33 CFR 27.3.</td>
<td>$14,543</td>
<td>1.02522</td>
<td>$14,910</td>
</tr>
</tbody>
</table>
## Table 4—U.S. Coast Guard Civil Penalties Adjustments—Continued

<table>
<thead>
<tr>
<th>Penalty name</th>
<th>Citation</th>
<th>Penalty amount as adjusted in the 2018 FR</th>
<th>Multiplier *</th>
<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inland Navigation Rules; Operator</td>
<td>33 U.S.C. 2072(a); 33 CFR 27.3.</td>
<td>14,543</td>
<td>1.02522</td>
<td>14,910</td>
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<td>Inland Navigation Rules; Vessel</td>
<td>33 U.S.C. 2072(b); 33 CFR 27.3.</td>
<td>14,543</td>
<td>1.02522</td>
<td>14,910</td>
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<tr>
<td>Shore Protection; General</td>
<td>33 U.S.C. 2609(a); 33 CFR 27.3.</td>
<td>51,302</td>
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<td>52,596</td>
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<td>Shore Protection; Operating Without Permit</td>
<td>33 U.S.C. 2609(b); 33 CFR 27.3.</td>
<td>20,521</td>
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<td>21,039</td>
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<td>Oil Pollution Liability and Compensation</td>
<td>33 U.S.C. 2716a(a); 33 CFR 27.3.</td>
<td>46,192</td>
<td>1.02522</td>
<td>47,357</td>
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<td>Clean Hulls</td>
<td>33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.</td>
<td>42,292</td>
<td>1.02522</td>
<td>43,359</td>
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<td>Clean Hulls-related to false statements</td>
<td>33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.</td>
<td>56,391</td>
<td>1.02522</td>
<td>57,813</td>
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<td>Clean Hulls—Recreational Vessel</td>
<td>33 U.S.C. 3852(c); 33 CFR 27.3.</td>
<td>5,639</td>
<td>1.02522</td>
<td>5,781</td>
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<tr>
<td>Hazardous Substances, Releases, Liability, Compensation (Class I).</td>
<td>42 U.S.C. 9609(a); 33 CFR 27.3.</td>
<td>55,907</td>
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<td>57,317</td>
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<tr>
<td>Hazardous Substances, Releases, Liability, Compensation (Class II).</td>
<td>42 U.S.C. 9609(b); 33 CFR 27.3.</td>
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<td>Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).</td>
<td>42 U.S.C. 9609(b); 33 CFR 27.3.</td>
<td>167,722</td>
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<td>171,952</td>
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<td>Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).</td>
<td>42 U.S.C. 9609(c); 33 CFR 27.3.</td>
<td>55,907</td>
<td>1.02522</td>
<td>57,317</td>
</tr>
<tr>
<td>Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).</td>
<td>42 U.S.C. 9609(c); 33 CFR 27.3.</td>
<td>167,722</td>
<td>1.02522</td>
<td>171,952</td>
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<tr>
<td>Safe Containers for International Cargo</td>
<td>46 U.S.C. App 1505(a)(2); (codified as 46 U.S.C. 80509); 33 CFR 27.3.</td>
<td>6,111</td>
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<td>6,265</td>
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<td>Suspension of Passenger Service</td>
<td>46 U.S.C. App 1805(c)(2); (codified 46 U.S.C. 70305); 33 CFR 27.3.</td>
<td>61,115</td>
<td>1.02522</td>
<td>62,656</td>
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<td>Vessel Inspection or Examination Fees</td>
<td>46 U.S.C. 2115; 33 CFR 27.3.</td>
<td>7,520</td>
<td>1.02522</td>
<td>7,710</td>
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<td>Alcohol and Dangerous Drug Testing</td>
<td>46 U.S.C. 2110(e); 33 CFR 27.3.</td>
<td>9,239</td>
<td>1.02522</td>
<td>9,472</td>
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<tr>
<td>Negligent Operations: Recreational Vessels</td>
<td>46 U.S.C. 2302(a); 33 CFR 27.3.</td>
<td>6,802</td>
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<td>6,974</td>
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<td>Negligent Operations: Other Vessels</td>
<td>46 U.S.C. 2302(a); 33 CFR 27.3.</td>
<td>34,013</td>
<td>1.02522</td>
<td>34,871</td>
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<tr>
<td>Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.</td>
<td>46 U.S.C. 2302(c)(1); 33 CFR 27.3.</td>
<td>7,520</td>
<td>1.02522</td>
<td>7,710</td>
</tr>
<tr>
<td>Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.</td>
<td>46 U.S.C. 2306(a)(4); 33 CFR 27.3.</td>
<td>11,712</td>
<td>1.02522</td>
<td>12,007</td>
</tr>
<tr>
<td>Vessel Reporting Requirements: Master</td>
<td>46 U.S.C. 2306(b)(2); 33 CFR 27.3.</td>
<td>2,343</td>
<td>1.02522</td>
<td>2,402</td>
</tr>
<tr>
<td>Immersion Suits</td>
<td>46 U.S.C. 3102(c)(1); 33 CFR 27.3.</td>
<td>11,712</td>
<td>1.02522</td>
<td>12,007</td>
</tr>
<tr>
<td>Inspection Permit</td>
<td>46 U.S.C. 3302(i)(5); 33 CFR 27.3.</td>
<td>2,443</td>
<td>1.02522</td>
<td>2,505</td>
</tr>
<tr>
<td>Vessel Inspection; General</td>
<td>46 U.S.C. 3318(a); 33 CFR 27.3.</td>
<td>11,712</td>
<td>1.02522</td>
<td>12,007</td>
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<tr>
<td>Vessel Inspection; Nautical School Vessel</td>
<td>46 U.S.C. 3318(g); 33 CFR 27.3.</td>
<td>11,712</td>
<td>1.02522</td>
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<td>Vessel Inspection; Failure to Give Notice IAW 3304(b)</td>
<td>46 U.S.C. 3318(h); 33 CFR 27.3.</td>
<td>2,343</td>
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<td>2,402</td>
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<td>Vessel Inspection; Failure to Give Notice IAW 3309(c)</td>
<td>46 U.S.C. 3318(i); 33 CFR 27.3.</td>
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<td>1.02522</td>
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<td>Vessel Inspection; Vessel ≥1,600 Gross Tons</td>
<td>46 U.S.C. 3318(j)(1); 33 CFR 27.3.</td>
<td>23,426</td>
<td>1.02522</td>
<td>24,017</td>
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<td>Vessel Inspection; Vessel &lt;1,600 Gross Tons</td>
<td>46 U.S.C. 3318(j)(1); 33 CFR 27.3.</td>
<td>4,685</td>
<td>1.02522</td>
<td>4,803</td>
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<td>Vessel Inspection; Failure to Comply with 3311(b)</td>
<td>46 U.S.C. 3318(k); 33 CFR 27.3.</td>
<td>23,426</td>
<td>1.02522</td>
<td>24,017</td>
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<tr>
<td>Vessel Inspection; Violation of 3318(b)–3318(f)</td>
<td>46 U.S.C. 3318(l); 33 CFR 27.3.</td>
<td>11,712</td>
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<td>12,007</td>
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<tr>
<td>List/count of Passengers</td>
<td>46 U.S.C. 3502(e); 33 CFR 27.3.</td>
<td>244</td>
<td>1.02522</td>
<td>250</td>
</tr>
</tbody>
</table>
### TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

<table>
<thead>
<tr>
<th>Penalty name</th>
<th>Citation</th>
<th>Penalty amount as adjusted in the 2018 FR</th>
<th>Multiplier *</th>
<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification to Passengers</td>
<td>46 U.S.C. 3504(c); 33 CFR 27.3.</td>
<td>24,421</td>
<td>1.02522</td>
<td>25,037</td>
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<tr>
<td>Notification to Passengers; Sale of Tickets</td>
<td>46 U.S.C. 3504(c); 33 CFR 27.3.</td>
<td>1,220</td>
<td>1.02522</td>
<td>1,251</td>
</tr>
<tr>
<td>Copies of Laws on Passenger Vessels; Master</td>
<td>46 U.S.C. 3718(a)(1); 33 CFR 27.3.</td>
<td>61,055</td>
<td>1.02522</td>
<td>62,595</td>
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<td>Liquid Bulk/Dangerous Cargo</td>
<td>46 U.S.C. 4106; 33 CFR 27.3.</td>
<td>10,260</td>
<td>1.02522</td>
<td>10,519</td>
</tr>
<tr>
<td>Recreational Vessels (maximum for related series of violations)</td>
<td>46 U.S.C. 4311(b)(1); 33 CFR 27.3.</td>
<td>323,027</td>
<td>1.02522</td>
<td>331,174</td>
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<tr>
<td>Recreational Vessels; Violation of 4307(a)</td>
<td>46 U.S.C. 4311(b)(1); 33 CFR 27.3.</td>
<td>6,460</td>
<td>1.02522</td>
<td>6,623</td>
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<td>Recreational vessels</td>
<td>46 U.S.C. 4311(c); 33 CFR 27.3.</td>
<td>2,443</td>
<td>1.02522</td>
<td>2,505</td>
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<tr>
<td>Uninspected Vessels</td>
<td>46 U.S.C. 4507; 33 CFR 27.3.</td>
<td>10,260</td>
<td>1.02522</td>
<td>10,519</td>
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<td>Abandonment of Barges</td>
<td>46 U.S.C. 4703; 33 CFR 27.3.</td>
<td>1,739</td>
<td>1.02522</td>
<td>1,783</td>
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<td>Load Lines</td>
<td>46 U.S.C. 5116(a); 33 CFR 27.3.</td>
<td>11,181</td>
<td>1.02522</td>
<td>11,463</td>
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<td>Load Lines; Violation of 5112(a)</td>
<td>46 U.S.C. 5116(b); 33 CFR 27.3.</td>
<td>22,363</td>
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<td>22,927</td>
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<td>Load Lines; Violation of 5112(b)</td>
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<td>11,181</td>
<td>1.02522</td>
<td>11,463</td>
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<tr>
<td>Reporting Marine Casualties</td>
<td>46 U.S.C. 6103(a); 33 CFR 27.3.</td>
<td>38,954</td>
<td>1.02522</td>
<td>39,936</td>
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<tr>
<td>Reporting Marine Casualties; Violation of 6104</td>
<td>46 U.S.C. 6103(b); 33 CFR 27.3.</td>
<td>10,260</td>
<td>1.02522</td>
<td>10,519</td>
</tr>
<tr>
<td>Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement</td>
<td>46 U.S.C. 8101(e); 33 CFR 27.3.</td>
<td>1,848</td>
<td>1.02522</td>
<td>1,895</td>
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<tr>
<td>Manning of Inspected Vessels</td>
<td>46 U.S.C. 8101(f); 33 CFR 27.3.</td>
<td>18,477</td>
<td>1.02522</td>
<td>18,943</td>
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<tr>
<td>Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG</td>
<td>46 U.S.C. 8101(g); 33 CFR 27.3.</td>
<td>18,477</td>
<td>1.02522</td>
<td>18,943</td>
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<tr>
<td>Manning of Inspected Vessels; Freight Vessel &lt;100 GT, Small Passenger Vessel, or Sailing School Vessel</td>
<td>46 U.S.C. 8101(h); 33 CFR 27.3.</td>
<td>2,443</td>
<td>1.02522</td>
<td>2,505</td>
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<tr>
<td>Watchmen on Passenger Vessels</td>
<td>46 U.S.C. 8102(a)</td>
<td>2,443</td>
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</tr>
<tr>
<td>Citizenship Requirements</td>
<td>46 U.S.C. 8103(f)</td>
<td>1,220</td>
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<tr>
<td>Watches on Vessels; Violation of 8104(a) or (b)</td>
<td>46 U.S.C. 8104(i)</td>
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<td>1.02522</td>
<td>18,943</td>
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<tr>
<td>Watches on Vessels; Violation of 8104(c), (d), (e), or (h)</td>
<td>46 U.S.C. 8104(j)</td>
<td>18,477</td>
<td>1.02522</td>
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<td>Officer’s Competency Certificates</td>
<td>46 U.S.C. 8302(e)</td>
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<tr>
<td>Staff Department on Vessels</td>
<td>46 U.S.C. 8304(d)</td>
<td>244</td>
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</tr>
<tr>
<td>Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge</td>
<td>46 U.S.C. 8502(e)</td>
<td>18,477</td>
<td>1.02522</td>
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<tr>
<td>Coastwise Pilotage; Individual</td>
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<td>58,562</td>
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<td>46 U.S.C. 8701(d)</td>
<td>1,220</td>
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<td>Crew Requirements</td>
<td>46 U.S.C. 8702(e)</td>
<td>18,477</td>
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<td>Small Vessel Manning</td>
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<td>38,954</td>
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<tr>
<td>Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge</td>
<td>46 U.S.C. 9308(a)</td>
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<tr>
<td>Pilotage: Great Lakes; Individual</td>
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<tr>
<td>Pilotage: Great Lakes; Violation of 9303</td>
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<td>Failure to Report Sexual Offense</td>
<td>46 U.S.C. 10104(b)</td>
<td>9,819</td>
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<td>Pay Advances to Seamen</td>
<td>46 U.S.C. 10314(a)(2)</td>
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<td>Pay Advances to Seamen; Remuneration for Employment</td>
<td>46 U.S.C. 10314(b)</td>
<td>1,220</td>
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<td>Alloction to Seamen</td>
<td>46 U.S.C. 10315(c)</td>
<td>1,220</td>
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<td>Seaman Protection; General</td>
<td>46 U.S.C. 10321</td>
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<td>Coastwise Voyages: Advances</td>
<td>46 U.S.C. 10505(a)(2)</td>
<td>8,465</td>
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<td>8,678</td>
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<td>Coastwise Voyages: Remuneration for Employment</td>
<td>46 U.S.C. 10505(b)</td>
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<td>Coastwise Voyages: Seamen Protection; General</td>
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<td>Effects of Deceased Seamen</td>
<td>46 U.S.C. 10711</td>
<td>489</td>
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<td>Complaints of Unfitness</td>
<td>46 U.S.C. 10902(a)(2)</td>
<td>1,220</td>
<td>1.02522</td>
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<td>Proceedings on Examination of Vessel</td>
<td>46 U.S.C. 10903(d)</td>
<td>244</td>
<td>1.02522</td>
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</tbody>
</table>
### TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

<table>
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<tr>
<th>Penalty name</th>
<th>Citation</th>
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<th>New penalty as adjusted by this final rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permission to Make Complaint</td>
<td>46 U.S.C. 10907(b)</td>
<td>1,220</td>
<td>1.02522</td>
<td>1,251</td>
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<tr>
<td>Accommodations for Seamen</td>
<td>46 U.S.C. 11101(f)</td>
<td>1,220</td>
<td>1.02522</td>
<td>1,251</td>
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<td>Medicine Chests on Vessels</td>
<td>46 U.S.C. 11102(b)</td>
<td>1,220</td>
<td>1.02522</td>
<td>1,251</td>
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<td>Destitute Seamen</td>
<td>46 U.S.C. 11104(b)</td>
<td>244</td>
<td>1.02522</td>
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<td>Wages on Discharge</td>
<td>46 U.S.C. 11105(c)</td>
<td>1,220</td>
<td>1.02522</td>
<td>1,251</td>
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<tr>
<td>Log Books; Master Failing to Maintain</td>
<td>46 U.S.C. 11103(a)</td>
<td>489</td>
<td>1.02522</td>
<td>501</td>
</tr>
<tr>
<td>Log Books; Master Failing to Make Entry</td>
<td>46 U.S.C. 11103(b)</td>
<td>489</td>
<td>1.02522</td>
<td>501</td>
</tr>
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<td>Log Books; Late Entry</td>
<td>46 U.S.C. 11103(c)</td>
<td>366</td>
<td>1.02522</td>
<td>375</td>
</tr>
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<td>Carrying of Sheath Knives</td>
<td>46 U.S.C. 11506</td>
<td>122</td>
<td>1.02522</td>
<td>125</td>
</tr>
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<td>Vessel Documentation</td>
<td>46 U.S.C. 12151(a)(1)</td>
<td>15,995</td>
<td>1.02522</td>
<td>16,398</td>
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<tr>
<td>Documentation of Vessels—Related to Activities involving mobile offshore drilling units.</td>
<td>46 U.S.C. 12151(a)(2)</td>
<td>26,659</td>
<td>1.02522</td>
<td>27,331</td>
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<tr>
<td>Numbering of Undocumented Vessels—Willful violation</td>
<td>46 U.S.C. 12309(c)</td>
<td>122,231</td>
<td>1.02522</td>
<td>125,314</td>
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<tr>
<td>Numbering of Undocumented Vessels</td>
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<td>12,211</td>
<td>1.02522</td>
<td>12,519</td>
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<td>Vessel Identification System</td>
<td>46 U.S.C. 12507(b)</td>
<td>2,443</td>
<td>1.02522</td>
<td>2,505</td>
</tr>
<tr>
<td>Measurement of Vessels</td>
<td>46 U.S.C. 14701</td>
<td>44,727</td>
<td>1.02522</td>
<td>45,855</td>
</tr>
<tr>
<td>Measurement; False Statements</td>
<td>46 U.S.C. 14702</td>
<td>44,727</td>
<td>1.02522</td>
<td>45,855</td>
</tr>
<tr>
<td>Commercial Instruments and Maritime Liens</td>
<td>46 U.S.C. 31309</td>
<td>20,521</td>
<td>1.02522</td>
<td>21,039</td>
</tr>
<tr>
<td>Commercial Instruments and Maritime Liens; Mortgagee</td>
<td>46 U.S.C. 31309(a)(2)</td>
<td>20,521</td>
<td>1.02522</td>
<td>21,039</td>
</tr>
<tr>
<td>Commercial Instruments and Maritime Liens; Violation of 31329</td>
<td>46 U.S.C. 31309(b)(2)</td>
<td>51,302</td>
<td>1.02522</td>
<td>52,596</td>
</tr>
<tr>
<td>Ports and Waterway Safety Regulations</td>
<td>46 U.S.C. 7003(a); 33 CFR 27.3</td>
<td>91,901</td>
<td>1.02522</td>
<td>94,219</td>
</tr>
<tr>
<td>Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.</td>
<td>46 U.S.C. 70041(d)(1)(B); 33 CFR 27.3</td>
<td>9,239</td>
<td>1.02522</td>
<td>9,472</td>
</tr>
<tr>
<td>Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel.</td>
<td>46 U.S.C. 70041(d)(1)(C); 33 CFR 27.3</td>
<td>9,239</td>
<td>1.02522</td>
<td>9,472</td>
</tr>
<tr>
<td>Vessel Navigation: Regattas or Marine Parades; Other Persons.</td>
<td>46 U.S.C. 70041(d)(1)(D); 33 CFR 27.3</td>
<td>4,619</td>
<td>1.02522</td>
<td>4,735</td>
</tr>
<tr>
<td>Port Security—Continuing Violations</td>
<td>46 U.S.C. 70119(a)</td>
<td>34,013</td>
<td>1.02522</td>
<td>34,871</td>
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<td>Port Security—Continuing Violations</td>
<td>46 U.S.C. 70119(b)</td>
<td>61,115</td>
<td>1.02522</td>
<td>62,656</td>
</tr>
<tr>
<td>Maritime Drug Law Enforcement</td>
<td>46 U.S.C. 70506(c)</td>
<td>5,639</td>
<td>1.02522</td>
<td>5,781</td>
</tr>
<tr>
<td>Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Ilness or substantial Damage to Property</td>
<td>49 U.S.C. 5123(a)(1)</td>
<td>79,976</td>
<td>1.02522</td>
<td>81,993</td>
</tr>
<tr>
<td>Hazardous Materials: Related to Vessels; Training</td>
<td>49 U.S.C. 5123(a)(2)</td>
<td>186,610</td>
<td>1.02522</td>
<td>191,316</td>
</tr>
</tbody>
</table>


** Enacted under the Tariff Act; exempt from inflation adjustments.

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**E. Transportation Security Administration**

The Transportation Security Administration (TSA) is updating its civil penalties regulation in accordance with the 2015 Act. Pursuant to its statutory authority in 49 U.S.C. 46301(a)(1), (4), (5), 49 U.S.C. 46301(d)(8), and 49 U.S.C. 114(v),15 TSA may impose penalties for violations of any statute that TSA administers, whether an implementing regulation or order imposes the penalty. TSA assesses these penalties for a wide variety of aviation and surface security requirements, including violations of TSA’s requirements applicable to Transportation Worker Identification Credentials (TWIC),16 as well as violations of requirements described in chapter 449 of title 49 of the United States Code. These penalties can apply to a wide variety of situations, as described in the statutory and regulatory provisions, as well as in guidance that TSA publishes. Below is a table showing the 2019 adjustment for the penalties that TSA administers.


IV. Administrative Procedure Act

DHS is promulgating this final rule to ensure that the amount of civil penalties that DHS assesses or enforces reflects the statutorily mandated ranges as adjusted for inflation. The 2015 Act provides a clear formula for adjustment of the civil penalties, leaving DHS and its components with little room for discretion. DHS and its components have been charged only with performing ministerial computations to determine the amounts of adjustments for inflation to civil monetary penalties. In these annual adjustments DHS is merely updating the penalty amounts by applying the cost-of-living adjustment multiplier that OMB has provided to agencies. Furthermore, the 2015 Act specifically instructed that agencies make the required annual adjustments notwithstanding section 553 of title 5 of the United States Code. Thus, as specified in the 2015 Act, the prior public notice-and-comment procedures and delayed effective date requirements of the Administrative Procedure Act (APA) do not apply to this rule. Further, as described above, this rule also makes to minor amendments to the regulations to reflect clear statutory authority, and DHS finds that prior notice and comment procedures for these amendments are unnecessary.

V. Regulatory Analyses

A. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. OMB has not designated this final rule a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this rule.

This final rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the 2015 Act and OMB guidance.\(^\text{17}\) DHS therefore did not consider alternatives and does not have the flexibility to alter the adjustments of the civil monetary penalty amounts as provided in this rule. To the extent this final rule increases civil monetary penalties, it would result in an increase in transfers from persons or entities assessed a civil monetary penalty to the government.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). See 5 U.S.C. 601–612. The Regulatory Flexibility Act does not apply to this final rule, because a notice of proposed rulemaking was not required for the reasons stated above.

C. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. This final rule will not result in such an expenditure.

D. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule, because this final rule does not trigger any new or revised recordkeeping or reporting.

VI. Signing Authority

The amendments to 19 CFR part 4 in this document are issued in accordance with 19 CFR 0.2(a), which provides that the authority of the Secretary of the Treasury with respect to CBP regulations that are not related to customs revenue functions was transferred to the Secretary of Homeland Security pursuant to Section 403(f) of the Homeland Security Act of 2002. Accordingly, this final rule to amend

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such regulations may be signed by the Secretary of Homeland Security (or his or her delegate).

List of Subjects

6 CFR Part 27
Reporting and recordkeeping requirements, Security measures.

8 CFR Part 270
Administrative practice and procedure, Aliens, Employment, Fraud, Penalties.

8 CFR Part 274a
Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

8 CFR Part 280
Administrative practice and procedure, Immigration, Penalties.

19 CFR Part 4
Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

33 CFR Part 27
Administrative practice and procedure, Penalties.

49 CFR Part 1503
Administrative practice and procedure, Investigations, Law enforcement, Penalties.

Amendments to the Regulations

Accordingly, for the reasons stated in the preamble, DHS is amending 6 CFR part 27, 8 CFR parts 270, 274a, and 280, 19 CFR part 4, 33 CFR part 27, and 49 CFR part 1503 as follows:

Title 6—Domestic Security

PART 27—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

1. The authority citation for part 27 is revised to read as follows:

2. In §27.300, revise paragraph (b)(3) to read as follows:

§27.300 Orders.

(b) * * * *

(3) Where the Assistant Secretary determines that a facility is in violation of an Order issued pursuant to paragraph (a) of this section and issues an Order Assessing Civil Penalty pursuant to paragraph (b)(1) of this section, a chemical facility is liable to

the United States for a civil penalty of not more than $25,000 for each day during which the violation continues, if the violation of the Order occurred on or before November 2, 2015, or $34,871 for each day during which the violation of the Order continues, if the violation occurred after November 2, 2015.

* * * * *

Title 8—Aliens and Nationality

PART 270—PENALTIES FOR DOCUMENT FRAUD

3. The authority citation for part 270 continues to read as follows:


4. In §270.3, revise paragraphs (b)(1)(ii)(A) through (D) to read as follows:

§270.3 Penalties.

(b) * * * *

(ii) * * *

(A) First offense under section 274C(a)(1) through (a)(4). Not less than $275 and not exceeding $2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than $375 and not exceeding $3,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; and not less than $473 and not exceeding $3,788 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(B) First offense under section 274C(a)(5) or (a)(6). Not less than $250 and not exceeding $2,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than $275 and not exceeding $2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act on or after March 27, 2008 and on or before November 2, 2015; and not less than $473 and not exceeding $3,788 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

* * * * *

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

5. The authority citation for part 274a continues to read as follows:


6. In §274a.8, revise paragraph (b) to read as follows:

§274a.8 Prohibition of indemnity bonds.

(b) Penalty. Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil monetary penalty of $1,000 for each violation before September 29, 1999, of $1,100 for each violation occurring on or after September 29, 1999 but on or before November 2, 2015, and of $2,292 for each violation occurring after November 2, 2015, and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

7. In §274a.10, revise paragraphs (b)(1)(ii)(A) through (C) and the first...
sentence of paragraph (b)(2) to read as follows:

§ 274a.10 Penalties.
* * * * *
(b) * * *
(1) **
(ii) **
(A) First offense—not less than $275 and not more than $2,200 for each unauthorized alien with respect to whom the offense occurred before March 27, 2008; not less than $375 and not exceeding $3,200, for each unauthorized alien with respect to whom the offense occurred occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than $573 and not more than $4,586 for each unauthorized alien with respect to whom the offense occurred occurring after November 2, 2015; or
(B) Second offense—not less than $2,200 and not more than $5,500 for each unauthorized alien with respect to whom the second offense occurred before March 27, 2008; not less than $3,200 and not more than $6,500, for each unauthorized alien with respect to whom the second offense occurred on or after March 27, 2008 and on or before November 2, 2015; and not less than $4,586 and not more than $11,463 for each unauthorized alien with respect to whom the second offense occurred after November 2, 2015; or
(C) More than two offenses—not less than $3,300 and not more than $11,000 for each unauthorized alien with respect to whom the third or subsequent offense occurred before March 27, 2008; not less than $4,300 and not exceeding $16,000, for each unauthorized alien with respect to whom the third or subsequent offense occurred on or after March 27, 2008 and on or before November 2, 2015; and not less than $6,876 and not more than $22,927 for each unauthorized alien with respect to whom the third or subsequent offense occurred after November 2, 2015; and
* * * * *
(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an administrative law judge, to have failed to comply with the employment verification requirements as set forth in § 274a.2(b), shall be subject to a civil penalty in an amount of not less than $100 and not more than $1,000 for each individual with respect to whom such violation occurred before September 29, 1999; not less than $110 and not more than $1,100 for each individual with respect to whom such violation occurred on or after September 29, 1999 and on or before November 2, 2015; and not less than $230 and not more than $2,292 for each individual with respect to whom such violation occurred after November 2, 2015. * * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

§ 280.53 Civil monetary penalties inflation adjustment
* * * * *
(b) * * *
(1) Section 231(g) of the Act, Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States: From $1,360 to $1,394.
(2) Section 234 of the Act, Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From $3,695 to $3,788.
(3) Section 240B(d) of the Act, Penalties for failure to depart voluntarily: From $1,558 minimum/$7,791 maximum to $1,597 minimum/$7,987 maximum.
(4) Section 243(c)(1)(A) of the Act, Penalties for violations of removal orders relating to aliens transported on vessels or aircraft, under section 241(d) of the Act, or for costs associated with removal under section 241(e) of the Act: From $3,116 to $3,195.
(5) Penalties for failure to remove alien stowaways under section 241(d)(2): From $7,791 to $7,987.
(6) Section 251(d) of the Act, Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the Act: From $369 to $378; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From $9,239 to $9,472.
(7) Section 254(a) of the Act, Penalties for failure to control, detain, or remove alien crewmen: From $924 minimum/$5,543 maximum to $947 minimum/$5,683 maximum.
(8) Section 255 of the Act, Penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From $1,848 to $1,895.
(9) Section 256 of the Act, Penalties for discharge of alien crewmen: From $2,771 minimum/$5,543 maximum to $2,841 minimum/$5,683 maximum.
(10) Section 257 of the Act, Penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From $18,477 maximum to $18,943 maximum.
(11) Section 271(a) of the Act, Penalties for failure to prevent the unauthorized landing of aliens: From $5,543 to $5,683.
(12) Section 272(a) of the Act, Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground: From $5,543 to $5,683.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.80 Vessels entitled to engage in coastwise trade.
* * * * *
(b) * * *
(1) The penalty imposed for the unlawful transportation of passengers between coastwise points is $300 for each passenger so transported and landed on or before November 2, 2015, and $798 for each passenger so transported and landed after November 2, 2015 (46 U.S.C. 55103, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 2015). * * * * *

Title 19—Customs Duties
12. In § 4.92, revise the second and third sentences to read as follows:

§ 4.92 Towing.
* * * The penalties for violation of this provision occurring on or before November 2, 2015, are a fine of from $350 to $1,100 against the owner or master of the towing vessel and a further penalty against the towing vessel of $60 per ton of the towed vessel. The penalties for violation of this provision occurring after November 2, 2015, are a fine of from $930 to $2,924 against the owner or master of the towing vessel and a further penalty against the towing vessel of $159 per ton of the towed vessel (46 U.S.C. 55111, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

Title 33—Navigation and Navigable Waters

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

13. The authority citation for part 27 continues to read as follows:


14. In § 27.3, revise the third sentence of the introductory text and table 1 to read as follows:

§ 27.3 Penalty adjustment table.
* * * The adjusted civil penalty amounts listed in Table 1 are applicable for penalty assessments issued after April 5, 2019, with respect to violations occurring after November 2, 2015. * * *

### TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

<table>
<thead>
<tr>
<th>U.S. Code citation</th>
<th>Civil monetary penalty description</th>
<th>2019 Adjusted maximum penalty amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 U.S.C. 521(c)</td>
<td>Saving Life and Property</td>
<td>$10,651</td>
</tr>
<tr>
<td>14 U.S.C. 521(e)</td>
<td>Saving Life and Property; Intentional Interference with Broadcast</td>
<td>1,093</td>
</tr>
<tr>
<td>14 U.S.C. 645(i)</td>
<td>Confidentiality of Medical Quality Assurance Records (first offense)</td>
<td>5,350</td>
</tr>
<tr>
<td>14 U.S.C. 645(i)</td>
<td>Confidentiality of Medical Quality Assurance Records (subsequent offenses)</td>
<td>35,668</td>
</tr>
<tr>
<td>16 U.S.C. 4711(g)(1)</td>
<td>Aquatic Nuisance Species in Waters of the United States</td>
<td>39,936</td>
</tr>
<tr>
<td>19 U.S.C. 70</td>
<td>Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty</td>
<td>1,861</td>
</tr>
<tr>
<td>19 U.S.C. 1581(d)</td>
<td>Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge</td>
<td>5,000</td>
</tr>
<tr>
<td>19 U.S.C. 1581(d)</td>
<td>Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty</td>
<td>1,000</td>
</tr>
<tr>
<td>33 U.S.C. 471</td>
<td>Anchorage Ground/Harbor Regulations General</td>
<td>11,563</td>
</tr>
<tr>
<td>33 U.S.C. 474</td>
<td>Anchorage Ground/Harbor Regulations St. Mary’s River</td>
<td>798</td>
</tr>
<tr>
<td>33 U.S.C. 495(b)</td>
<td>Bridges/Failure to Comply with Regulations</td>
<td>29,192</td>
</tr>
<tr>
<td>33 U.S.C. 499(c)</td>
<td>Bridges/Drawbridges</td>
<td>29,192</td>
</tr>
<tr>
<td>33 U.S.C. 502(c)</td>
<td>Bridges/Failure to Alter Bridge Obstructing Navigation</td>
<td>29,192</td>
</tr>
<tr>
<td>33 U.S.C. 533(b)</td>
<td>Bridges/Maintenance and Operation</td>
<td>29,192</td>
</tr>
<tr>
<td>33 U.S.C. 1208(a)</td>
<td>Bridge to Bridge Communication; Master, Person in Charge or Pilot</td>
<td>2,126</td>
</tr>
<tr>
<td>33 U.S.C. 1208(b)</td>
<td>Bridge to Bridge Communication; Vessel</td>
<td>2,126</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(6)(B)(i)</td>
<td>Oil/Hazardous Substances: Discharges (Class I per violation)</td>
<td>18,943</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(6)(B)(ii)</td>
<td>Oil/Hazardous Substances: Discharges (Class I total under paragraph)</td>
<td>47,357</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(6)(B)(ii)</td>
<td>Oil/Hazardous Substances: Discharges (Class II per day of violation)</td>
<td>18,943</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(6)(B)(ii)</td>
<td>Oil/Hazardous Substances: Discharges (Class II total under paragraph)</td>
<td>236,783</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(7)(A)</td>
<td>Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment</td>
<td>47,357</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(7)(A)</td>
<td>Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment</td>
<td>1,895</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(7)(B)</td>
<td>Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment)</td>
<td>47,357</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(7)(C)</td>
<td>Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment)</td>
<td>47,357</td>
</tr>
<tr>
<td>33 U.S.C. 1321(b)(7)(D)</td>
<td>Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment</td>
<td>5,683</td>
</tr>
<tr>
<td>33 U.S.C. 1322(i)</td>
<td>Marine Sanitation Devices; Operating</td>
<td>7,975</td>
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<tr>
<td>33 U.S.C. 1322(i)</td>
<td>Marine Sanitation Devices; Sale or Manufacture</td>
<td>21,265</td>
</tr>
<tr>
<td>33 U.S.C. 1608(a)</td>
<td>International Navigation Rules; Operator</td>
<td>14,910</td>
</tr>
<tr>
<td>33 U.S.C. 1608(b)</td>
<td>International Navigation Rules; Vessel</td>
<td>14,910</td>
</tr>
<tr>
<td>33 U.S.C. 1908(b)(1)</td>
<td>Pollution from Ships; General</td>
<td>74,552</td>
</tr>
<tr>
<td>33 U.S.C. 1908(b)(2)</td>
<td>Pollution from Ships; False Statement</td>
<td>14,910</td>
</tr>
<tr>
<td>33 U.S.C. 2072(b)</td>
<td>Inland Navigation Rules; Vessel</td>
<td>14,910</td>
</tr>
<tr>
<td>33 U.S.C. 2609(a)</td>
<td>Shore Protection; General</td>
<td>52,596</td>
</tr>
<tr>
<td>U.S. Code citation</td>
<td>Civil monetary penalty description</td>
<td>2019 Adjusted maximum penalty amount ($)</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>33 U.S.C. 2609(b)</td>
<td>Shore Protection; Operating Without Permit</td>
<td>21,039</td>
</tr>
<tr>
<td>33 U.S.C. 2716(a)</td>
<td>Oil Pollution Liability and Compensation</td>
<td>47,357</td>
</tr>
<tr>
<td>33 U.S.C. 3852(a)(1)(A)</td>
<td>Clean Hulls; Civil Enforcement</td>
<td>43,359</td>
</tr>
<tr>
<td>33 U.S.C. 3852(a)(1)(A)</td>
<td>Clean Hulls; related to false statements</td>
<td>57,813</td>
</tr>
<tr>
<td>33 U.S.C. 3852(c)</td>
<td>Clean Hulls; Recreational Vessels</td>
<td>5,781</td>
</tr>
<tr>
<td>42 U.S.C. 9609(a)</td>
<td>Hazardous Substances, Releases, Liability, Compensation (Class I)</td>
<td>57,317</td>
</tr>
<tr>
<td>42 U.S.C. 9609(b)</td>
<td>Hazardous Substances, Releases, Liability, Compensation (Class II)</td>
<td>57,317</td>
</tr>
<tr>
<td>42 U.S.C. 9609(c)</td>
<td>Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)</td>
<td>171,952</td>
</tr>
<tr>
<td>42 U.S.C. 9609(c)</td>
<td>Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense)</td>
<td>171,952</td>
</tr>
<tr>
<td>46 U.S.C. 80509(a)</td>
<td>Safe Containers for International Cargo</td>
<td>6,265</td>
</tr>
<tr>
<td>46 U.S.C. 70305(c)</td>
<td>Suspension of Passenger Service</td>
<td>62,656</td>
</tr>
<tr>
<td>46 U.S.C. 2110(e)</td>
<td>Vessel Inspection or Examination Fees</td>
<td>9,472</td>
</tr>
<tr>
<td>46 U.S.C. 2115</td>
<td>Alcohol and Dangerous Drug Testing</td>
<td>7,710</td>
</tr>
<tr>
<td>46 U.S.C. 2302(a)</td>
<td>Negligent Operations: Recreational Vessels</td>
<td>6,974</td>
</tr>
<tr>
<td>46 U.S.C. 2302(a)</td>
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### TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

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*Enacted under the Tariff Act of 1930, exempt from inflation adjustments.

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**Title 49—Transportation**

**PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES**


16. In §1503.401, revise paragraphs (b)(1) and (2) and (c)(1) through (3) to read as follows:

**§1503.401 Maximum penalty amounts.**

(a) * * * * * *(b) * * * * *(c) * * *

(1) For violations that occurred on or before November 2, 2015, $10,000 per violation, up to a total of $50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, $11,698 per violation, up to a total of $58,490 per civil penalty action, in the case of an individual or small business concern; and

(2) For violations that occurred on or before November 2, 2015, $10,000 per violation, up to a total of $400,000 per civil penalty action, in the case of any other person. For violations that occurred after November 2, 2015, $11,698 per violation, up to a total of $467,920 per civil penalty action, in the case of any other person.
other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation. For violations that occurred after November 2, 2015, $13,669 per violation, up to a total of $546,774 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation. (3) For violations that occurred on or before November 2, 2015, $25,000 per violation, up to a total of $400,000 per civil penalty action, in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman). For violations that occurred after November 2, 2015, $34,174 per violation, up to a total of $546,774 per civil penalty action, in the case of a person (except an individual serving as an airman) operating an aircraft for the transportation of passengers or property for compensation.

John M. Mitnick,
General Counsel.

[FR Doc. 2019–06745 Filed 4–4–19; 8:45 am]

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
7 CFR Part 956

[Doc. No.: AMS–SC–18–0028; SC–18–956–1]
Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Amendments to Marketing Order 956

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends Marketing Order No. 956, which regulates the handling of sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon. The three amendments, which were proposed by the Walla Walla Sweet Onion Marketing Committee (Committee), were approved by producers in a referendum. This action also updates the term of office and staggered term limits for producers and handlers.

DATES: This rule is effective May 6, 2019.

FOR FURTHER INFORMATION CONTACT:
Geronimo Quinones, Marketing Specialist, or Patty Bennett, Director, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: Geronimo.Quinones@usda.gov or Patty.Bennett@usda.gov.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: Richard.Lower@usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(f). This rule is issued under Marketing Order No. 956, as amended (7 CFR part 956), regulating the handling of sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon. Part 956 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee, which is responsible for the local administration of the Order, is comprised of sweet onion producers and handlers operating within the area of production and a public member. Section 608c(17) of the Act and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900) authorize amendment of the Order through this informal rulemaking action.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13535 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this final rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB’s Memorandum titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act (7 U.S.C. 608c(15)(A)), any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Section 1504 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–246) amended section 8c(17) of the Act (15 U.S.C. 608c(17)), which in turn required the addition of supplemental rules of practice to 7 CFR part 900 (73 FR 49307; August 21, 2008). The amendment of section 8c(17) of the Act and additional supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. USDA may use informal rulemaking to amend marketing orders based on the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

The USDA’s Agricultural Marketing Service (AMS) considered these factors and has determined that amending the Order as proposed could appropriately be accomplished through informal rulemaking. The proposed amendments were unanimously recommended by the Committee following deliberations at two public meetings held on November 14, 2017, and March 3, 2018. A proposed rule soliciting comments on the amendment was issued on July 19, 2018, and published in the Federal Register on July 24, 2018 (83 FR 34953). One comment in support of the amendments was received. As a result, no changes to the proposed rule were made. A proposed rule and referendum order was then issued on December 11, 2018, and published in the Federal Register on December 14, 2018 (83 FR 64296). This document directed that a referendum among Walla Walla sweet