

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. 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.

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(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 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**

**28 CFR Ch. I (7–1–25 Edition)**

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

(a) For civil penalties assessed after February 12, 2024, 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 table 1 to this section.

(b) For civil penalties assessed after January 30, 2023, and on or before February 12, 2024 whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department are set forth in the sixth column of table 1 to this section. For civil penalties assessed after May 9, 2022, and on or before January 30, 2023, whose associated violations occurred

after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department are set forth in the fifth column of table 1 to this section. For civil penalties assessed after December 13, 2021, and on or before May 9, 2022, whose associated violations occurred after November 2, 2015, the civil monetary penalties provided by law within the jurisdiction of the Department are set forth in the fourth column of table 1 to this section.

(c) For civil penalties assessed on or before December 13, 2021, the civil monetary penalties provided by law within the jurisdiction of the Department are set forth in 28 CFR 85.5 (July 1, 2020).

(d) All figures set forth in table 1 to this section are maximum penalties, unless otherwise indicated.

TABLE 1 TO § 85.5

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 12/13/2021 (\$)	DOJ penalty assessed after 5/9/2022 (\$)	DOJ penalty assessed after 1/30/2023 FN1 (\$)	DOJ penalty assessed after 2/12/2024 FN2 (\$)
<b>ATF</b>						
18 U.S.C. 922(t)(5) .....	Brady Law—Nat'l Instant Criminal Check System (NICS); Transfer of firearm without checking NICS.	.....	8,935	9,491	10,226	10,557
18 U.S.C. 924(p) .....	Child Safety Lock Act; Secure gun storage or safety device, violation.	.....	3,268	3,471	3,740	3,861
<b>Civil Division</b>						
12 U.S.C. 1833a(b)(1) ....	Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) Violation.	28 CFR 85.3(a)(6) ..	2,073,133	2,202,123	2,372,677	2,449,575
12 U.S.C. 1833a(b)(2) ....	FIRREA Violation (continuing) (per day)	28 CFR 85.3(a)(7) ..	2,073,133	2,202,123	2,372,677	2,449,575
12 U.S.C. 1833a(b)(2) ....	FIRREA Violation (continuing) .....	28 CFR 85.3(a)(7) ..	10,365,668	11,010,620	11,863,393	12,247,886
22 U.S.C. 2399b(a)(3)(A) ..	Foreign Assistance Act; Fraudulent Claim for Assistance (per act).	28 CFR 85.3(a)(8) ..	6,021	6,396	6,891	7,114
31 U.S.C. 3729(a) .....	False Claims Act; FN3 Violations .....	28 CFR 85.3(a)(9) ..	Min 11,803, Max 23,607	Min 12,537, Max 25,076	Min 13,508, Max 27,018	Min 13,946, Max 27,894
31 U.S.C. 3802(a)(1) .....	Program Fraud Civil Remedies Act; Violations Involving False Claim (per claim).	28 CFR 71.3(a) .....	11,803	12,537	13,508	13,946
31 U.S.C. 3802(a)(2) .....	Program Fraud Civil Remedies Act; Violation Involving False Statement (per statement).	28 CFR 71.3(f) .....	11,803	12,537	13,508	13,946
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)	6,021	6,396	6,891	7,114
41 U.S.C. 8706(a)(1)(B)	Anti-Kickback Act; Violation Involving Kickbacks FN4 (per occurrence).	28 CFR 85.3(a)(13)	23,607	25,076	27,018	27,894
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).	.....	8,708	9,250	9,966	10,289

TABLE 1 TO § 85.5—Continued

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 12/13/2021 (\$)	DOJ penalty assessed after 5/9/2022 (\$)	DOJ penalty assessed after 1/30/2023 FN1 (\$)	DOJ penalty assessed after 2/12/2024 FN2 (\$)
18 U.S.C. 216(b) .....	Ethics Reform Act of 1989; Penalties for Conflict of Interest Crimes FN5 (per violation).	28 CFR 85.3(c) .....	103,657	110,107	118,635	122,480
41 U.S.C. 2105(b)(1) .....	Office of Federal Procurement Policy Act; FN6 Violation by an individual (per violation).	.....	108,315	115,054	123,965	127,983
41 U.S.C. 2105(b)(2) .....	Office of Federal Procurement Policy Act; FN6 Violation by an organization (per violation).	.....	1,083,140	1,150,533	1,239,642	1,279,819
42 U.S.C. 5157(d) .....	Disaster Relief Act of 1974; FN7 Violation (per violation).	.....	13,685	14,536	15,662	16,170
<b>Civil Rights Division (excluding immigration-related penalties)</b>						
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)	17,364	18,444	19,872	20,516
18 U.S.C. 248(c)(2)(B)(ii)	FACE Act; Nonviolent physical obstruction, subsequent violation.	28 CFR 85.3(b)(1)(ii)	26,125	27,750	29,899	30,868
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)	26,125	27,750	29,899	30,868
18 U.S.C. 248(c)(2)(B)(ii)	FACE Act; Violation other than a non-violent physical violation).	28 CFR 85.3(b)(2)(ii)	43,543	46,252	49,834	51,449
42 U.S.C. 3614(d)(1)(C)(i).	Fair Housing Act of 1968; first violation ...	28 CFR 85.3(b)(3)(i)	108,315	115,054	123,965	127,983
42 U.S.C. 3614(d)(1)(C)(ii).	Fair Housing Act of 1968; subsequent violation.	28 CFR 85.3(b)(3)(ii)	216,628	230,107	247,929	255,964
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).	97,523	103,591	111,614	115,231
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).	195,047	207,183	223,229	230,464
50 U.S.C. 4041(b)(3) .....	Service members Civil Relief Act of 2003; first violation.	28 CFR 85.3(b)(4)(i)	65,480	69,554	74,941	77,370

50 U.S.C. 4041(b)(3) .....	Servicemembers Civil Relief Act of 2003; subsequent violation.	28 CFR 85.3(b)(4)(ii)	130,961	139,109	149,883	154,741
<b>Criminal Division</b>						
18 U.S.C. 983(h)(1) .....	Civil Asset Forfeiture Reform Act of 2000; Penalty for Frivolous Assertion of Claim.	.....	Min 374, Max 7,482	Min 397, Max 7,948	Min 428, Max 8,564	Min 442, Max 8,842
18 U.S.C. 1956(b) .....	Money Laundering Control Act of 1986; Violation FNB.	.....	23,607	25,076	27,018	27,894
<b>DEA</b>						
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) .....	21,663	23,011	24,793	25,597
21 U.S.C. 961(1) .....	Controlled Substance Import Export Act; Drug abuse, import or export.	28 CFR 85.3(d) .....	75,267	79,950	86,142	88,934
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).	.....	68,426	72,683	78,312	80,850
21 U.S.C. 842(c)(1)(B)(i) .....	CSA; Violations of 842(a)(5), (10), and (17)—Prohibited acts re: controlled substances.	.....	15,876	16,864	18,170	18,759
21 U.S.C. 842(c)(1)(B)(ii) .....	SUPPORT for Patients and Communities Act; FN9 Violations of 842(b)(ii)—Failures re: opioids.	.....	102,967	109,374	117,845	121,664
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).	.....	548,339	582,457	627,568	647,907
21 U.S.C. 842(c)(1)(D) .....	CSA; Violation of 825(e) at the retail level—False labeling of anabolic steroids (per violation).	.....	1,097	1,165	1,255	1,296
21 U.S.C. 842(c)(2)(C) .....	CSA; Violation of 842(a)(11) by a business—Distribution of laboratory supply with reckless disregard FN10.	.....	411,223	436,809	470,640	485,893
21 U.S.C. 842(c)(2)(D) .....	SUPPORT for Patients and Communities Act; FN9 Violations of 842(a)(5), (10) and (17) by a registered manufacturer or distributor of opioids. Failures re: opioids.	.....	514,834	546,867	589,222	608,319

TABLE 1 TO § 85.5—Continued

U.S.C. citation	Name/description	CFR citation	DOJ penalty assessed after 12/13/2021 (\$)	DOJ penalty assessed after 5/9/2022 (\$)	DOJ penalty assessed after 1/30/2023 FN1 (\$)	DOJ penalty assessed after 2/12/2024 FN2 (\$)
21 U.S.C. 856(d) .....	Illicit Drug Anti-Proliferation Act of 2003; Maintaining drug-involved premises FN11.	.....	379,193	402,786	433,982	448,047
<b>Immigration-Related Penalties FN12</b>						
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 590, Max 4,722	Min 627, Max 5,016	Min 676, Max 5,404	Min 698, Max 5,579
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 4,722, Max 11,803	Min 5,016, Max 12,537	Min 5,404, Max 13,508	Min 5,579, Max 13,946
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 7,082, Max 23,607	Min 7,523, Max 25,076	Min 8,106, Max 27,018	Min 8,369, Max 27,894
8 U.S.C. 1324a(e)(5) .....	IRCA; Paperwork violation (per relevant individual).	28 CFR 68.52(c)(5)	Min 237, Max 2,360	Min 252, Max 2,507	Min 272, Max 2,701	Min 281, Max 2,789
8 U.S.C. 1324a (note) ....	IRCA; Violation relating to participating employer's failure to notify of final non-confirmation of employee's employment eligibility (per relevant individual).	28 CFR 68.52(c)(6)	Min 823, Max 1,644	Min 874, Max 1,746	Min 942, Max 1,881	Min 973, Max 1,942
8 U.S.C. 1324a(g)(2) .....	IRCA; Violation/prohibition of indemnity bonds (per violation).	28 CFR 68.52(c)(7)	2,360	2,507	2,701	2,789
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 487, Max 3,901	Min 517, Max 4,144	Min 557, Max 4,465	Min 575, Max 4,610
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 3,901, Max 9,753	Min 4,144, Max 10,360	Min 4,465, Max 11,162	Min 4,610, Max 11,524
8 U.S.C. 1324b(g)(2)(B)(iv)(III).	IRCA; Unfair immigration-related employment practices, subsequent order (per individual discriminated against).	28 CFR 68.52(d)(1)(x).	Min 5,851, Max 19,505	Min 6,215, Max 20,719	Min 6,696, Max 22,324	Min 6,913, Max 23,048
8 U.S.C. 1324b(g)(2)(B)(iv)(V).	IRCA; Unfair immigration-related employment practices, unfair documentary practices (per individual discriminated against).	28 CFR 68.52(d)(1)(xii).	Min 195, Max 1,951	Min 207, Max 2,072	Min 223, Max 2,232	Min 230, Max 2,304

8 U.S.C. 1324c(d)(3)(A) ..	IRCA; Document fraud, first order—for violations described in U.S.C. 1324c(a)(1)–(4) (per document).	28 CFR 68.52(e)(1)(i).	Min 487, Max 3,901	Min 517, Max 4,144	Min 557, Max 4,465	Min 575, Max 4,610
8 U.S.C. 1324c(d)(3)(B) ..	IRCA; Document fraud, subsequent order—for violations described in U.S.C. 1324c(a)(1)–(4) (per document).	28 CFR 68.52(e)(1)(iii).	Min 3,901, Max 9,753	Min 4,144, Max 10,360	Min 4,465, Max 11,162	Min 4,610, Max 11,524
8 U.S.C. 1324c(d)(3)(A) ..	IRCA; Document fraud, first order—for violations described in U.S.C. 1324c(a)(5)–(6) (per document).	28 CFR 68.52(e)(1)(ii).	Min 412, Max 3,289	Min 438, Max 3,494	Min 472, Max 3,765	Min 487, Max 3,887
8 U.S.C. 1324c(d)(3)(B) ..	IRCA; Document fraud, subsequent order—for violations described in U.S.C. 1324c(a)(5)–(6) (per document).	28 CFR 68.52(e)(1)(iv).	Min 3,289, Max 8,224	Min 3,494, Max 8,736	Min 3,765, Max 9,413	Min 3,887, Max 9,718

FBI

49 U.S.C. 30505(a) .....	National Motor Vehicle Title Identification System; Violation (per violation).	.....	1,742	1,850	1,993	2,058
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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 .....	30,107	31,980	34,457	35,574
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<sup>1</sup>The figures set forth in this column represent the penalty as last adjusted by Department of Justice regulation on January 30, 2023.

<sup>2</sup>All figures set forth in this table are maximum penalties, unless otherwise indicated.

<sup>3</sup>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).

<sup>4</sup>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.

<sup>5</sup>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).

<sup>6</sup>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).

<sup>7</sup>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).

<sup>8</sup>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).

<sup>9</sup>The SUPPORT for Patients and Communities Act, Public Law 115–221 was enacted Oct. 24, 2018.

<sup>10</sup>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).

<sup>11</sup>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).

<sup>12</sup>The date of assessment for purposes of calculating the minimum and maximum civil money penalties for violations of 8 U.S.C. 1324a under 28 CFR 85.5 is the date of the OCAHO final order, rather than the date of service of the Notice of Intent to Fine. *United States v. Edgemont Group, LLC*, 17 OCAHO no. 1470e (2023).

**Department of Justice**

**§ 90.1**

[89 FR 9766, Feb. 12, 2024]

**PART 90—VIOLENCE AGAINST WOMEN**

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**Subpart E [Reserved]**

AUTHORITY: 42 U.S.C. 3711 *et seq.*; 42 U.S.C. 13925; 25 U.S.C. 1304(h).

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.