

(ii) Any person, including a person who moves before the date the housing plan is submitted to HUD, that the DHHL determines was displaced as a direct result of acquisition, rehabilitation, or demolition for the assisted project;

(iii) A tenant-occupant of a dwelling unit who moves from the building/complex permanently after execution of the agreement between the DHHL and HUD, if the move occurs before the tenant is provided written notice offering him or her the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex, under reasonable terms and conditions, upon completion of the project. Such reasonable terms and conditions include a monthly rent and estimated average monthly utility costs that do not exceed the greater of:

- (A) The tenant-occupant's monthly rent and estimated average monthly utility costs before the agreement; or
(B) Thirty percent of gross household income.

(iv) A tenant-occupant of a dwelling who is required to relocate temporarily, but does not return to the building/complex, if:

(A) The tenant-occupant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied unit, any increased housing costs and incidental expenses;

(B) The tenant-occupant is required to temporarily relocate for more than one year; or

(C) Other conditions of the temporary relocation are not reasonable.

(v) A tenant-occupant of a dwelling who moves from the building/complex after he or she has been required to move to another dwelling unit in the same building/complex in order to carry out the project, if either:

(A) The tenant-occupant is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move; or

(B) Other conditions of the move are not reasonable.

(2) Notwithstanding the provisions of this section for the definition of "Displaced Person," a person does not qualify as a "displaced person" (and is not eligible for relocation assistance under the URA or this section), if:

(i) The person moved into the property after the submission of the housing plan to HUD, but before signing a lease or commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced,

temporarily relocated or suffer a rent increase) and the fact that the person would not qualify as a "displaced person" or for any assistance provided under this section as a result of the project;

(ii) The person meets the definition of "persons not displaced" as defined in 49 CFR 24.2; or

(iii) The DHHL determines the person is not displaced as a direct result of acquisition, rehabilitation, or demolition for an assisted project. To exclude a person on this basis, HUD must concur in that determination in accordance with 49 CFR 24.2.

(3) The DHHL may at any time ask HUD to determine whether a specific displacement is or would be covered under this section.

(g) Definition of initiation of negotiations. For purposes of determining the formula for computing the replacement housing assistance to be provided to a person displaced from a dwelling as a direct result of acquisition, rehabilitation, or demolition of the real property, the term Initiation of Negotiations (ION) date means the execution of the written agreement covering the acquisition, rehabilitation, or demolition (See 49 CFR 24.2).

■ 20. In § 1006.410, revise paragraph (a)(2), add paragraph (a)(3), and revise paragraph (c)(1) to read as follows:

§ 1006.410 Performance reports.

(a) * * *

(2) Submit a report in a form acceptable to HUD, within 90 days of the end of the DHHL's fiscal year, describing the conclusions of the review.

(3) DHHL may submit a written request for an extension of the deadline. HUD will establish a new date for submission if the extension is granted.

* * * * *

(c) * * *

(1) Comments by Native Hawaiians. In preparing a report under this section, the DHHL shall make the report publicly available to Native Hawaiians who are eligible to reside on the Hawaiian Home Lands and give a sufficient amount of time to permit them to comment on that report, in such manner and at such time as the DHHL may determine, before it is submitted to HUD.

* * * * *

■ 21. In § 1006.420, add a heading to paragraph (c) to read as follows:

§ 1006.420 Review of DHHL's performance.

* * * * *

(c) Failure to maintain records. * * *

Adrienne Todman,

Deputy Secretary for U.S. Department of Housing and Urban Development.

[FR Doc. 2024-02447 Filed 2-9-24; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF JUSTICE

28 CFR Part 85

[Docket No. OLP 176]

Civil Monetary Penalties Inflation Adjustments for 2024

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is adjusting for inflation the civil monetary penalties assessed or enforced by components of the Department, in accordance with the provisions of the Bipartisan Budget Act of 2015, for penalties assessed after February 12, 2024 with respect to violations occurring after November 2, 2015.

DATES: This rule is effective February 12, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone (202) 514-8059 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Statutory Process for Implementing Annual Inflation Adjustments

Section 701 of the Bipartisan Budget Act of 2015, Public Law 114-74 (Nov. 2, 2015) ("BBA"), 28 U.S.C. 2461 note, substantially revised the prior provisions of the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990, Public Law 101-410 (the "Inflation Adjustment Act"), and substituted a different statutory formula for calculating inflation adjustments on an annual basis.

In accordance with the provisions of the BBA, on June 30, 2016 (81 FR 42491), the Department of Justice published an interim rule ("June 2016 interim rule") to adjust for inflation the civil monetary penalties assessed or enforced by components of the Department after August 1, 2016, with respect to violations occurring after November 2, 2015, the date of enactment of the BBA. Readers may refer to the SUPPLEMENTARY INFORMATION (also known as the preamble) of the Department's June 2016 interim rule for additional background information regarding the statutory authority for

adjustments of civil monetary penalty amounts to take account of inflation and the Department's past implementation of inflation adjustments. The June 2016 interim rule was finalized without change by the publication of a final rule on April 5, 2019 (84 FR 13525).

After the initial adjustments in 2016, the BBA also provides for agencies to adjust their civil penalties on January 15 of each year to account for inflation during the preceding year, rounded to the nearest dollar. Accordingly, on February 3, 2017 (82 FR 9131), and on January 29, 2018 (83 FR 3944), the Department published final rules pursuant to the BBA to make annual inflation adjustments in the civil monetary penalties assessed or enforced by components of the Department after those dates, with respect to violations occurring after November 2, 2015.

The Department has continued to promulgate rules adjusting the civil money penalties for inflation thereafter. Most recently, the Department published a final rule on January 30, 2023 (88 FR 5776), to adjust the civil money penalties to account for inflation occurring since 2022.

II. Inflation Adjustments Made by This Rule

As required, the Department is publishing this final rule to adjust for 2024 the Department's current civil penalties. Under the statutory formula, the adjustments made by this rule are based on the Bureau of Labor Statistics' Consumer Price Index for October 2023. The OMB Memorandum for the Heads of Executive Departments and Agencies M-24-07 (Dec. 19, 2023) <https://www.whitehouse.gov/wp-content/uploads/2023/12/M-24-07-Implementation-of-Penalty-Inflation-Adjustments-for-2024.pdf> (last visited Dec. 21, 2023) instructs that the applicable inflation factor for this adjustment is 1.03241.

Accordingly, this rule adjusts the civil penalty amounts in 28 CFR 85.5 by applying the inflation factor of 1.03241 mechanically to each of the civil penalty amounts listed (rounded to the nearest dollar).

Example:

- In 2016, the Program Fraud Civil Remedies Act penalty was increased to \$10,781 in accordance with the adjustment requirements of the BBA.

- For 2017, where the applicable inflation factor was 1.01636, the existing penalty of \$10,781 was multiplied by 1.01636 and revised to \$10,957.

- Similar adjustments have been made in the following years, through 2023, where the applicable inflation factor was 1.07745, and the existing

penalty of \$12,537 was multiplied by 1.07745 and revised to \$13,508.

- For this final rule in 2024, where the applicable inflation factor is 1.03241, the existing penalty of \$13,508 is multiplied by 1.03241 and rounded to the nearest dollar. The revised penalty is now \$13,946.

This rule adjusts for inflation civil monetary penalties within the jurisdiction of the Department of Justice for purposes of the Inflation Adjustment Act, as amended. Other agencies are responsible for the inflation adjustments of certain other civil monetary penalties that the Department's litigating components bring suit to collect. The reader should consult the regulations of those other agencies for inflation adjustments to those penalties.

III. Effective Date of Adjusted Civil Penalty Amounts

Under this rule, the adjusted civil penalty amounts for 2024 are applicable only to civil penalties assessed after February 12, 2024, with respect to violations occurring after November 2, 2015, the date of enactment of the BBA.

The penalty amounts set forth in the existing provisions of 28 CFR 85.5, and its accompanying table, are applicable to all covered civil penalties assessed after August 1, 2016, and on or before February 12, 2024, with respect to violations occurring after November 2, 2015.

The revised table in this rule lists the civil penalty amounts as adjusted in 2024, 2023, 2022, and 2021. For penalties assessed prior to the adjustment rule adopted in 2021, section 85.5(c) of this rule directs readers back to the 2020 version of the rule, as published in the **Federal Register**, which sets forth the adjusted civil penalty amounts for penalties assessed prior to the 2021 adjustments. 85 FR 37004 (June 19, 2020).

Civil penalties for violations occurring on or before November 2, 2015, and assessments made on or before August 1, 2016, will continue to be subject to the civil monetary penalty amounts set forth in the Department's regulations in 28 CFR parts 20, 22, 36, 68, 71, 76, and 85 as such regulations were in effect prior to August 1, 2016 (or as set forth by statute if the amount had not yet been adjusted by regulation prior to August 1, 2016). See Civil Monetary Penalties Inflation Adjustment, 83 FR 3944 (Jan. 29, 2018).

IV. Statutory and Regulatory Analyses

A. Administrative Procedure Act

The BBA provides that, for each annual adjustment made after the initial

adjustments of civil penalties in 2016, the head of an agency shall adjust the civil monetary penalties each year notwithstanding 5 U.S.C. 553. Accordingly, this rule is being issued as a final rule without prior notice and public comment, and without a delayed effective date.

B. Regulatory Flexibility Act

Only those entities that are determined to have violated Federal law and regulations would be affected by the increase in the civil penalty amounts made by this rule. A Regulatory Flexibility Act analysis is not required for this rule because publication of a notice of proposed rulemaking was not required. See 5 U.S.C. 603(a).

C. Executive Orders 12866, 13563, and 14094—Regulatory Review

This final rule has been drafted in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), The Principles of Regulation, in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," section 1, General Principles of Regulation, and in accordance with section 1(b), General Principles of Regulation; and Executive Order 14094, "Modernizing Regulatory Review". Executive Orders 12866 and 13563 direct agencies, in certain circumstances, to assess all 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).

The Department of Justice has determined that this rule is not a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," section 3(f), and, accordingly, this rule has not been reviewed by the Office of Management and Budget. This final rule implements the BBA by making an across-the-board, mechanical adjustment of the civil penalty amounts in 28 CFR 85.5 to account for inflation since the adoption of the Department's final rule published on January 30, 2023 (88 FR 5776).

D. Executive Order 13132—Federalism

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132,

it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

E. Executive Order 12988—Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

F. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (as adjusted for inflation), and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

G. Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

List of Subjects in 28 CFR Part 85

Administrative practice and procedure, Penalties.

Under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Assistant Attorney General, Office of Legal Policy, by A.G. Order No. 5328–2022, and for the reasons set forth in the preamble, chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 85—CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT

■ 1. The authority citation for part 85 continues to read as follows:

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.

■ 2. Section 85.5 is revised to read as follows:

§ 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 (\$)
ATF						
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
Civil Division						
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
Civil Rights Division (excluding immigration-related penalties)						
18 U.S.C. 248(c)(2)(B)(i) ..	Freedom of Access to Clinic Entrances Act of 1994 ("FACE Act"); Nonviolent physical obstruction, first violation.	28 CFR 85.3(b)(1)(i)	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 obstruction.	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)	Servicemembers 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
Criminal Division						
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 FN8.	.....	23,607	25,076	27,018	27,894
DEA						
21 U.S.C. 844a(a)	Anti-Drug Abuse Act of 1988; Possession of small amounts of controlled substances (per violation).	28 CFR 76.3(a)	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 manufacture 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
Immigration-Related Penalties FN12						
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 nonconfirmation 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)(I 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
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

¹ The figures set forth in this column represent the penalty as last adjusted by Department of Justice regulation on January 30, 2023.

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

³ Section 3729(a)(1) of Title 31 provides that any person who violates this section is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, plus 3 times the amount of damages which the Government sustains because of the act of that person. 31 U.S.C. 3729(a)(1) (2015). Section 3729(a)(2) permits the court to reduce the damages under certain circumstances to not less than 2 times the amount of damages which the Government sustains because of the act of that person. Id. section 3729(a)(2). The adjustment made by this regulation is only applicable to the specific statutory penalty amounts stated in subsection (a)(1), which is only one component of the civil penalty imposed under section 3729(a)(1).

⁴ Section 8706(a)(1) of Title 41 provides that the Federal Government in a civil action may recover from a person that knowingly engages in conduct prohibited by section 8702 of Title 44 a civil penalty equal to twice the amount of each kickback involved in the violation and not more than \$10,000 for each occurrence of prohibited conduct. 41 U.S.C. 8706(a)(1) (2015). The adjustment made by this regulation is only applicable to the specific statutory penalty amount stated in subsection (a)(1)(B), which is only one component of the civil penalty imposed under section 8706.

⁵ Section 216(b) of Title 18 provides that the civil penalty should be no more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. 18 U.S.C. 216(b) (2015). Therefore, the adjustment made by this regulation is only applicable to the specific statutory penalty amount stated in subsection (b), which is only one aspect of the possible civil penalty imposed under section 216(b).

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

⁷The 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).

⁸Section 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).

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

¹⁰Section 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).

¹¹Section 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).

¹²The 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).

Dated: February 5, 2024.

Susan M. Davies,

Acting Assistant Attorney General, Office of Legal Policy.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0130]

RIN 1625–AA00

Safety Zone; Fireworks Scattering; San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the San Francisco Bay, off Treasure Island, CA in support of a fireworks display on February 10, 2024. The safety zone is necessary to protect persons, vessels, and the marine environment from potential hazards caused by pyrotechnics. Unauthorized persons or vessels are prohibited from entering, transiting through, or remaining in the safety zone without the permission of the Captain of the Port San Francisco or a designated representative.

DATES: This rule is effective from 10:30 a.m. until 11:35 a.m. on February 10, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0130 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call

or email Lieutenant William K. Harris, U.S. Coast Guard Sector San Francisco, Waterways management Division, at telephone (415) 399–7443, or email SFWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard did not receive final details for this event until January 30, 2024. It is impracticable to go through the full notice and comment rulemaking process because the Coast Guard must establish this safety zone by February 10, 2024, and lacks sufficient time to provide a reasonable comment period and to consider those comments before issuing the rule.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because action is necessary to protect personnel, vessels, and the marine environment from the potential safety hazards associated with the fireworks display off Treasure Island, CA on February 10, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034. The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the scheduled Fireworks Scattering display on February 10, 2024, will be a safety concern for anyone within a 400-foot radius of the fireworks display starting 30 minutes before the fireworks display is scheduled to commence and ending 30 minutes after the conclusion of the fireworks display. For this reason, this temporary safety zone is needed to protect personnel, vessels, and the marine environment in the navigable waters during the fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 10:30 a.m. until 11:35 a.m. on February 10, 2024, from 30 minutes prior to the start of the fireworks display, and until 30 minutes after the completion of the fireworks display. At 10:30 a.m., which is 30 minutes prior to the commencement of the 5-minute fireworks display, the safety zone will encompass the navigable waters around the fireworks vessel, from surface to bottom, within a circle formed by connecting all points 400-feet out from the coordinates at approximately 37°50′17.9″ N, 122°21′16.5″ W (NAD 83). The safety zone will terminate at 11:35 a.m. on February 10, 2024, or as announced via Marine Information Broadcast.

This regulation is necessary to keep persons and vessels away from the immediate vicinity of the fireworks scattering site. Except for persons or vessels authorized by the COTP or the COTP’s designated representative, no person or vessel may enter or remain in a restricted area. A “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel, or a Federal, State, or local officer