

U.S. Customs and Border Protection



19 CFR Parts 4, 7, 10, 11, 12, 24, 54, 101, 102, 103, 113, 132, 133, 134, 141, 142, 143, 144, 145, 146, 147, 151, 152, 158, 159, 161, 162, 163, 173, 174, 176, and 181

RIN 1651-AB02

REGULATORY IMPLEMENTATION OF THE CENTERS OF EXCELLENCE AND EXPERTISE

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Interim final rule; extension of comment period.

SUMMARY: This document provides an additional 60 days for interested parties to submit comments on the interim final rule that amended the U.S. Customs and Border Protection (CBP) regulations establishing the Centers of Excellence and Expertise (“Centers”) as a permanent organizational component of the agency and transitioning certain additional trade functions to the Centers. The interim final rule was published in the **Federal Register** on December 20, 2016, with comments due on or before January 19, 2017. To have as much public participation as possible in the formulation of the final rule, CBP is extending the comment period to March 20, 2017.

DATES: The comment period for the interim final rule published December 20, 2016, at 81 FR 92978, effective January 19, 2017, is extended. Comments must be received on or before March 20, 2017.

ADDRESSES: You may submit comments, identified by docket number, by *one* of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments via docket number USCBP-2016-0075.
- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.
Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments

received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Lori Whitehurst, CBP Office of Field Operations by telephone (202) 344-2536 or by email, lori.j.whitehurst@cbp.dhs.gov; or Susan S. Thomas, CBP Office of Field Operations by telephone (202) 344-2511 or by email, susan.s.thomas@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the interim rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this interim rule. Comments that will provide the most assistance to CBP will reference a specific portion of the interim rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. See **ADDRESSES** above for information on how to submit comments.

II. Background

On December 20, 2016, CBP published in the **Federal Register** (81 FR 92978) an Interim Final Rule (CBP Dec. No. 16-26) that amended the CBP regulations establishing the Centers of Excellence and Expertise (“Centers”) as a permanent organizational component of the agency and transitioning certain additional trade functions to the Centers. The document solicited public comments in the interim rule, and requested that submitted comments be received by CBP on or before January 19, 2017. The effective date of the interim rule is January 19, 2017.

Extension of Comment Period

With the goal of establishing the most effective and transparent procedures as possible for CBP to establish the Centers as a permanent organizational component of the agency, CBP believes that it is very important to have as much public participation as possible in the formulation of the final rule that establishes those procedures for CBP. Therefore, CBP has decided to allow additional time for the public to submit comments on the final rule. Accordingly, the comment period is extended to March 20, 2017.

Dated: January 18, 2017.

RICHARD F. DiNUCCI,
Executive Director,
Cargo and Conveyance Security,
Office of Field Operations.

[Published in the Federal Register, January 27, 2017 (82 FR 8588)]


19 CFR Parts 12 and 127**DELAY OF EFFECTIVE DATE FOR TOXIC SUBSTANCE
CONTROL ACT CHEMICAL SUBSTANCE IMPORT
CERTIFICATION PROCESS REVISIONS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule; delay of effective date.

SUMMARY: On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** announcing amendments to CBP regulations regarding the requirement to file a Toxic Substances Control Act (TSCA) certification when importing into the customs territory of the United States chemicals in bulk form or as part of mixtures and articles containing a chemical or mixture. That document amended the regulations to establish an electronic option for importers to file the required U.S. Environmental Protection Agency (EPA) TSCA certifications, to clarify and add certain definitions, and to eliminate the paper-based blanket certification process. The changes announced in that Final Rule were to be effective January 26, 2017. This notice announces that the effective date of the Final Rule is delayed for 60 days from January 20, 2017.

DATES: This regulation is effective January 25, 2017. The effective date of the rule amending 19 CFR parts 12 and 127 published at 81 FR 94980, December 27, 2016 is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: For questions related to the filing of EPA forms with CBP, please contact William Scopa, Partner Government Agencies Interagency Collaboration Division, Office of Trade, Customs and Border Protection, at *William.R.Scopa@cbp.dhs.gov*. For EPA policy questions, please contact Harlan Weir, at *Weir.Harlan@epa.gov*.

SUPPLEMENTARY INFORMATION:

On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** (81 FR 94980) announcing the amendment of CBP regulations regarding the requirement to file a Toxic Substances Control Act (TSCA) certification when importing into the United States chemicals in bulk form or as part of mixtures and articles containing a chemical or mixture. The document amended the regulations to permit importers to file the required U.S. Environmental Protection Agency (EPA) TSCA certifications electronically, to clarify and add certain definitions, and to eliminate the paper-based blanket certification process. The final rule was to become effective on January 26, 2017.

On January 20, 2017, the Chief of Staff of the White House released a memorandum to ensure that the President's appointees or designees have the opportunity to review any new or pending regulations. The memorandum asks the heads of executive departments and agencies to temporarily postpone the effective date for 60 days from the date of the memorandum of all regulations that had been published in the **Federal Register**, but had not taken effect. In light of this memo, CBP has considered whether entities affected by these final regulations will need additional time to implement new systems or internal procedural changes. To provide additional time for affected entities to become familiar with the increased flexibilities and new processes of the final regulations, CBP believes that extending the effective date until March 21, 2017 is appropriate and will furnish the affected entities with sufficient additional time.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Administrative Procedure Act

CBP and Treasury, for good cause and the reasons cited above, including the brief length of the extension of the effective date, find that notice and solicitation of comment regarding the extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). CBP and Treasury also believe that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4; 2 U.S.C. 1532)

CBP and Treasury have concluded the extension of the effective date does not contain a Federal mandate that may result in the expenditure by State, local and Tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted for inflation) in any one year.

KEVIN K. McALEENAN,
Acting Commissioner,
U.S. Customs and Border Protection.

Dated: January 25, 2017.

TIMOTHY E. SKUD,
Deputy Assistant Secretary of the Treasury.

[Published in the Federal Register, January 27, 2017 (82 FR 8590)]



19 CFR Part 12

DELAY OF EFFECTIVE DATE FOR IMPORTATIONS OF CERTAIN VEHICLES AND ENGINES SUBJECT TO FEDERAL ANTIPOLLUTION EMISSION STANDARDS

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule; delay of effective date.

SUMMARY: On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** announcing amendments to CBP regulations relating to the importation

into the United States of certain vehicles and engines under the Clean Air Act (CAA) in order to harmonize the documentation requirements applicable to different classes of vehicles and engines that are subject to the CAA's emission standards. That document further amended the regulations to permit importers to file the required U.S. Environmental Protection Agency (EPA) Declaration Forms with CBP electronically, and amended non-substantive provisions to update regulatory citations and delete obsolete provisions. The changes announced in that Final Rule were to be effective January 26, 2017. This notice announces that the effective date of the Final Rule is delayed for 60 days from January 20, 2017.

DATES: This regulation is effective January 25, 2017. The effective date of the rule amending 19 CFR part 12 published at 81 FR 94974, December 27, 2016 is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: For questions related to the filing of EPA forms with CBP, please contact William Scopa, Partner Government Agencies Interagency Collaboration Division, Office of Trade, Customs and Border Protection, at *William.R.Scopa@cbp.dhs.gov*. For questions related to EPA's vehicle and engine imports program, please contact Holly Pugliese at *pugliese.holly@epa.gov*.

SUPPLEMENTARY INFORMATION:

On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** (81 FR 94974) announcing the amendment of CBP regulations relating to the importation into the United States of certain vehicles and engines under the Clean Air Act (CAA) in order to harmonize the documentation requirements applicable to different classes of vehicles and engines that are subject to the CAA's emission standards. The document further amended the regulations to permit importers to file the required U.S. Environmental protection Agency (EPA) Declaration Forms with CBP electronically, and amended non-substantive provisions to update regulatory citations and delete obsolete provisions. The rule was to become effective on January 26, 2017.

On January 20, 2017, the Chief of Staff of the White House released a memorandum to ensure that the President's appointees or designees have the opportunity to review any new or pending regulations. The memorandum asks the heads of executive departments and agencies to temporarily postpone the effective date for 60 days from the date of the memorandum of all regulations that had been published in the **Federal Register**, but had not taken effect. In light of this memo, CBP has considered whether entities affected by these final regulations will need additional time to implement new systems or internal procedural changes. To provide additional time for affected

entities to become familiar with the increased flexibilities and new processes of the final regulations, CBP believes that extending the effective date until March 21, 2017 is appropriate and will furnish the affected entities with sufficient additional time.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Administrative Procedure Act

CBP and Treasury, for good cause and the reasons cited above, including the brief length of the extension of the effective date, find that notice and solicitation of comment regarding the extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). CBP and Treasury also believe that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4; 2 U.S.C. 1532)

CBP and Treasury have concluded the extension of the effective date does not contain a Federal mandate that may result in the expenditure by State, local and Tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted for inflation) in any one year.

KEVIN K. McALEENAN,
Acting Commissioner,
U.S. Customs and Border Protection.

Dated: January 25, 2017.

TIMOTHY E. SKUD,
Deputy Assistant Secretary of the Treasury.

19 CFR Part 133**DONATIONS OF TECHNOLOGY AND SUPPORT SERVICES
TO ENFORCE INTELLECTUAL PROPERTY RIGHTS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes amendments to the U.S. Customs and Border Protection (CBP) regulations pertaining to the enforcement of intellectual property rights. Specifically, CBP is proposing amendments to implement a section of the Trade Facilitation and Trade Enforcement Act of 2015 which requires CBP to prescribe regulatory procedures for the donation of technologies, training, or other support services for the purpose of assisting CBP in intellectual property enforcement. The proposed regulations would enhance CBP's intellectual property rights enforcement capabilities.

DATES: Comments must be received on or before March 3, 2017.

ADDRESSES: You may submit comments, identified by *docket number*, by *one* of the following methods:

- Federal eRulemaking Portal at *http://www.regulations.gov*. Follow the instructions for submitting comments via Docket No. USCBP-2016-0076.
- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, *see* the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*. Submitted comments may be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington,

DC 20229–1177. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Garrett D. Wright, Chief, Donations Acceptance Program, Office of Field Operations, U.S. Customs and Border Protection, telephone (202) 344–2344.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rulemaking. Comments that will provide the most assistance to CBP will reference a specific portion of the proposed rulemaking, explain the reason for any recommended change, and include data, information, or authority that supports such recommended change. *See* **ADDRESSES** above for information on how to submit comments.

Background

The Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), Public Law 114–125, 130 Stat. 122 (19 U.S.C. 4301 note), enacted February 24, 2016, includes an assortment of trade facilitation and trade enforcement provisions, including several that focus on improving CBP’s intellectual property rights (IPR) enforcement at the border. Section 308(d) of the TFTEA requires the Commissioner of CBP to prescribe regulations that will enable CBP to receive donations of technologies, training, and other support services for the purpose of assisting CBP in detecting and identifying imports that infringe intellectual property rights.

In House Report 114–114, the House Ways and Means Committee stated that CBP should take steps to ensure that personnel dedicated to enforcement of IPR are effectively trained to detect and identify infringing imports. The Committee noted that much of the expertise in this area lies within the private sector, and that companies are most knowledgeable about their products and can provide valuable training to CBP on detection. H.R. 114–114 at 76.

Discussion of Proposed Amendments

New Subpart H to Part 133—Donations of Intellectual Property Rights Technology and Support Services

§ 133.61

This document proposes to implement section 308(d) of the TFTEA by promulgating a new subpart H to part 133 of title 19 of the Code of Federal Regulations, entitled “[D]onations of Intellectual Property Rights Technology and Support Services,” which would provide for the receipt and acceptance by CBP of donations of hardware, software, equipment, and similar technologies, as well as training and support services, for the purpose of assisting CBP in enforcing IPR. It is also proposed to add and reserve subpart G to part 133.

New subpart H, as set forth in proposed new § 133.61, prescribes the methods by which donations of IPR technology and support services may be made. Specifically, proposed 19 CFR 133.61(a) sets forth the scope of this section and identifies the relevant authority. Proposed 19 CFR 133.61(b) prescribes the conditions applicable to a donation offer and provides that CBP will notify the donor, in writing, if additional information is requested or if CBP has determined that it will not accept the donation. In this regard, it is noted that CBP will take into consideration all aspects of the proposed donation offer, including whether such offer would pose a real or potential conflict between the interests of the donor and the interests of the government. Proposed 19 CFR 133.61(c) provides that if CBP elects to accept a donation offer, CBP will enter into a signed, written agreement with an authorized representative of the donating entity that commemorates all applicable terms and conditions, and that an agreement to accept training and other support services must provide that the services or training are offered without the expectation of payment and that the service provider expressly waives any future claims against the government.

Authority To Accept Donations

As noted above, pursuant to section 308(d) of the TFTEA, CBP is required to prescribe regulatory procedures for donations of hardware, software, equipment, and similar technologies, as well as training and support services, for the purpose of assisting CBP in enforcing IPR.

Acceptance of such donations must also be consistent with either section 482 of the Homeland Security Act of 2002, as amended by section 2 of the Cross-Border Trade Enhancement Act of 2016 (Pub. L. 114–279), or section 507 of the Department of Homeland Security Appropriations Act of 2004 (Pub. L. 108–90).

Section 482 of the Homeland Security Act replaced section 559 of Title V of Division F of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76) and permits CBP, in consultation with the General

Services Administration (GSA), to “enter into an agreement with any entity to accept a donation of personal property, money, or nonpersonal services” to be used for certain CBP activities at most ports of entry where CBP performs inspection services. Generally speaking, donations may be used for certain activities of CBP’s Office of Field Operations, including expenses related to “(A) furniture, equipment, or technology, including the installation or deployment of such items; and (B) the operation and maintenance of such furniture, fixtures, equipment or technology.” Section 482(a)(3). To implement section 482, CBP will build upon its experience in implementing section 559 of Title V of Division F of the Consolidated Appropriations Act, 2014, where CBP and the GSA issued the *Section 559 Donation Acceptance Authority Proposal Evaluation Procedures & Criteria Framework* in October, 2014.¹ Pursuant to Section 482(c)(3), CBP in consultation with GSA will establish criteria for evaluating donation proposals under Section 482 and make such criteria publicly available.

Donations that may not be accepted under section 482 may be considered under section 507 of the DHS Appropriations Act of 2004. Section 507 of the DHS Appropriations Act of 2004 made the DHS Gifts and Donations account (formerly the Federal Emergency Management Agency “Bequests and Gifts” account) “available to the Department of Homeland Security . . . for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security.” Title V, Public Law 108–90, 117 Stat. 1153–1154. DHS policy on the acceptance of gifts pursuant to section 507 is contained in DHS Directive 112–02 and DHS Instruction 112–02–001. The Secretary of DHS delegated the authority to accept and utilize gifts to the heads of certain DHS components, including the Commissioner of CBP, in DHS Delegation 0006.

Executive Orders 13563 and 12866

Executive Orders 13563 and 12866 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 flex-

¹ <https://www.cbp.gov/document/guidance/section-559-donation-acceptance-authority-proposal-evaluation-procedures-and>. Section 483 of the Homeland Security Act, as amended by the Cross-Border Trade Enhancement Act, also exempts from section 482 existing agreements entered into pursuant to section 559, as well as proposals already accepted for consideration by CBP.

ibility. This proposed rule is not a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget has not reviewed this regulation.

This rule proposes amendments to the CBP regulations that would prescribe procedures for the voluntary donation of technology, training, and other support services for the purpose of assisting CBP in enforcing IPR, as required by section 308(d) of the Trade Facilitation and Trade Enforcement Act of 2015, Public Law 114–125, 130 Stat. 122 (19 U.S.C. 4301 note). These donations would improve CBP’s knowledge of intellectual property and improve its ability to detect infringing articles and prevent their importation.

Because donations under this rule would be voluntary, CBP assumes that entities would only make donations if they believe it is in their best interest to do so. The cost of the donation itself, including any training provided, would vary greatly depending on the particulars of the donation. Due to a lack of data on the types of donations that entities would offer as a result of this rulemaking, CBP is unable to estimate the cost of these donations to the public. In addition to the cost of the donated product or training itself, donors would bear some paperwork related costs with this rule. Under this rule, if finalized, entities must submit an offer of a donation in writing to CBP and provide all pertinent details regarding the scope, purpose, expected benefits, intended use, estimated costs, and proposed conditions of the donation. Based on discussions with CBP’s Office of Field Operations, CBP estimates that approximately 50 entities would make donations annually and that there would be one donation made per entity annually, for a total of 50 donations per year. CBP estimates that it would take an entity approximately 2 hours to write the offer of donation. In most cases, CBP believes that attorneys either employed or hired by the donor would write the offer of donation. Considering the median hourly wage of an attorney of \$80.83,^{2 3} writing

² Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, “May 2014 National Occupational Employment and Wage Estimates, United States—Median Hourly Wage by Occupation Code: 23–1011.” Updated March 25, 2015. Available at <http://www.bls.gov/oes/2014/may/oes231011.htm>. Accessed June 15, 2015. CBP adjusted this figure, which was in 2014 U.S. dollars, to 2015 U.S. dollars by applying a 1.0 percent annual growth rate to the figure, as recommended by the U.S. Department of Transportation’s value of travel time guidance. Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2015 Update)*, “Table 4 (Revision 2-corrected): Recommended Hourly Values of Travel Time Savings.” April 29, 2015. <http://www.transportation.gov/sites/dot.gov/files/docs/Revised%20Departmental%20Guidance%20on%20Valuation%20of%20Travel%20Time%20in%20Economic%20Analysis.pdf>. Accessed June 1, 2016.

³ The total compensation to wages and salaries ratio is equal to the calculated average of the 2014 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Professional and Related occupations (49.69) divided by the

the offers of donation would result in a total annual time cost to donors of \$8,083 ($\$80.83 * 2 \text{ hours} * 50 \text{ written donation proposals}$). This would equate to a cost of \$161.66 per entity. CBP again notes that this is a voluntary program, and entities would only provide donations if the benefits of doing so outweigh the costs.

In addition to donor costs, this rule would introduce a time cost to CBP to process each offer of donation. As with donor costs, CBP's cost to receive and learn about the donated article would depend on the particulars of the donation. Also, accepting the donation is voluntary on CBP's part and the agency would only accept the donation if it is in CBP's best interest to do so. In addition to CBP's costs associated with receiving and learning about the donated article, there are quantifiable costs to CBP related to evaluating the donation and making a decision on whether to accept it under the conditions provided. CBP estimates, at a minimum, the agency's evaluation time to be approximately 10 hours for each of the 50 donations made to CBP annually. CBP predicts that in most cases, each written offer of donation would be evaluated by five CBP employees. Based on the average hourly wage for a general CBP employee of \$55.91,⁴ evaluating the 50 offers of donation each year would result in an annual time cost to CBP of \$139,775.00 ($\$55.91 * 5 \text{ CBP employees} * 10 \text{ hours} * 50 \text{ written donation proposals}$). On average, each offer of donation would cost CBP \$2,795.50 in evaluation time costs.

In summary, this rule could result in a total quantifiable annual cost to the public of \$8,083 and a total annual cost to CBP of \$139,775.00. Additionally, the public would bear a cost equal to the value of the donation and CBP would bear a cost to accept the donation. As these costs would vary depending on the particulars of the donation, CBP is unable to quantify them in this analysis. Because donations are voluntary for both the donor and CBP, donations would presumably only occur if the benefits to each party outweigh the costs.

Along with costs, the proposed rule would provide benefits to the donor and CBP. In particular, the proposed rule would enhance CBP's

calculated average of the 2014 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (34.315). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. *Employer Costs for Employee Compensation Historical Listing March 2004–December 2015*, Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004–2015 by Respondent Type: Professional and related occupations." June 10, 2015. Available at <http://www.bls.gov/ncs/ect/sp/ceecqrtn.pdf>. Accessed June 15, 2015.

⁴ CBP bases this wage on the FY 2015 salary and benefits of the national average of general, non-CBP Officer/frontline CBP positions, which is equal to a GS-12, Step 5. Source: Email correspondence with CBP's Office of Administration on June 25, 2015.

IPR enforcement capabilities by making donations of authentication devices, equipment, and training available to CBP personnel. This would help protect the entities making donations from the illegal importation of IPR-infringing products. The value of this benefit would vary depending on how much an entity believes IPR enforcement would improve because of its donation. As stated earlier, an entity would only make the donation if it believes the benefits of improved IPR enforcement outweigh the costs.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This proposed rule, if finalized, would allow entities to voluntarily donate technology, training, and other support services to improve CBP's ability to enforce IPR potentially related to their goods. As any entity with intellectual property could make these donations, this rule may affect a substantial number of small entities. However, this rule imposes no new obligations on entities, including those considered small. Any small entity that chooses to make these donations would presumably do so because it believes the benefits of donating exceed the costs. Therefore, this rule would not have a significant economic impact on small entities. Given these reasons, CBP certifies that this rule, if finalized, will not have a significant economic impact on a substantial number of small entities. CBP invites public comments on this determination.

Paperwork Reduction Act

An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB.

OMB approved collection 1651-0123 will be amended to reflect a new information collection proposed by this rule for written offers of donations to CBP of technology, training, and other support services in accordance with 19 CFR 133.61(b). CBP estimates that this rule would result in 50 responses each year and 100 burden hours to respondents annually. The new information collection would reflect the burden hours for each written offer of donation provided to CBP as follows:

Estimated number of annual respondents: 50.

Estimated number of annual responses: 50.

Estimated time burden per response: 2 hours.

Estimated total annual time burden: 100 hours.

Signing Authority

This proposed regulation is being issued in accordance with 19 CFR 0.1(a)(1) pertaining to the Secretary of the Treasury's authority (or that of his delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 133

Circumvention devices, Copying or simulating trademarks, Copyrights, Counterfeit goods, Customs duties and inspection, Detentions, Donations, Reporting and recordkeeping requirements, Restricted merchandise, Seizures and forfeitures, Technology, Trademarks, Trade names, Support services.

Proposed Amendments to Part 133 of the CBP Regulations

For the reasons set forth in the preamble, CBP proposes to amend 19 CFR part 133 as set forth below:

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

■ 1. The general authority citation for part 133 continues, and the specific authority for new subpart H is added, to read as follows:

Authority: 15 U.S.C. 1124, 1125, 1127; 17 U.S.C. 101, 601, 602, 603; 19 U.S.C. 66, 1202, 1499, 1526, 1624; 31 U.S.C. 9701.

* * * * *

Section 133.61 also issued under Sec. 308(d), Pub. L. 114–125; Sec. 507, Pub. L. 108–90; Sec. 2, Pub. L. 114–279.

Subpart G—[Reserved].

■ 2. Add and reserve subpart G.

■ 3. Add subpart H, consisting of § 133.61, to read as follows:

Subpart H—Donations of Intellectual Property Rights Technology and Support Services.

§ 133.61 Donations of intellectual property rights technology and support services.

(a) *Scope.* The Commissioner of U.S. Customs and Border Protection (CBP) is authorized to accept donations of hardware, software, equipment, and similar technologies, as well as donated support services and training, from private sector entities, for the purpose of assisting CBP in enforcing intellectual property rights. Such acceptance must be consistent with the conditions set forth in this section and section 308(d) of the Trade Facilitation and Trade Enforcement Act of 2015, as well as either section 482 of the Homeland Security Act of 2002 or section 507 of the DHS Appropriations Act of 2004.

(b) *Donation offer.* A donation offer must be submitted to CBP either via email, to IPRdonations@cbp.dhs.gov, or mailed to the attention of the Executive Assistant Commissioner, Office of Field Operations, or his/her designee. The donation offer must describe the proposed donation in sufficient detail to enable CBP to determine its compatibility with existing CBP technologies, networks, and facilities (*e.g.* operating system or similar requirements, power supply requirements, item size and weight, *etc.*). The donation offer must also include information pertaining to the donation's scope, purpose, expected benefits, intended use, costs, and attached conditions, as applicable, that is sufficient to enable CBP to evaluate the donation and make a determination as to whether to accept it. CBP will notify the donor, in writing, if additional information is requested or if CBP has determined that it will not accept the donation.

(c) *Agreement to accept donation.* If CBP accepts a donation of hardware, software, equipment, technologies, or to accept training and other support services, for the purpose of enforcing intellectual property rights, CBP will enter into a signed, written agreement with an authorized representative of the donor. The agreement must contain all applicable terms and conditions of the donation. An agreement to accept training and other support services must provide that the services or training are offered without the expectation of payment, and that the service provider expressly waives any future claims against the government.

R. GIL KERLIKOWSKE,
Commissioner.

Dated: January 09, 2017.

TIMOTHY E. SKUD,
Deputy Assistant Secretary of the Treasury.

6 CFR Part 27**8 CFR Parts 270, 274a, and 280****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: This Final Rule finalizes the Department of Homeland Security's (DHS) Interim Final Rule that adjusted DHS civil monetary penalties for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) was signed into law on November 2, 2015. Using the formula in the 2015 Act and guidance from the Office of Management and Budget (OMB), DHS calculated adjusted penalties. On July 1, 2016, DHS published an Interim Final Rule setting forth the adjusted civil penalty amounts, effective for civil penalties assessed after August 1, 2016 whose associated violations occurred after 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 pursuant to the 2015 Act and OMB guidance. The new penalties will be effective for penalties assessed after January 27, 2017 whose associated violations occurred after November 2, 2015. DHS also announces that it will make its required annual adjustment of civil monetary penalties in future years by publication of a Final Rule notwithstanding the notice and comment provisions of the Administrative Procedure Act.

DATES: This rule is effective on January 27, 2017.

FOR FURTHER INFORMATION CONTACT: Megan Westmoreland, Attorney-Advisor, Office of the General Counsel, U.S. Department of Homeland Security. Phone: 202-447-4384.

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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, 2105)) (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. The 2015 Act required that agencies publish their IFRs in the **Federal Register** no later than July 1, 2016 and that the adjusted amounts were to take effect no later than August 1, 2016.

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

¹ The 2015 Act was enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015).

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 administer.² On July 1, 2016, DHS published an IFR adjusting the civil monetary penalties with an initial “catch-up” adjustment, as required by the 2015 Act. *See* 81 FR 42987. DHS calculated the adjusted penalties based upon nondiscretionary provisions in the 2015 Act and upon guidance that OMB issued to agencies on February 25, 2016.³ The adjusted penalties were effective for civil penalties assessed after August 1, 2016 (the effective date of the IFR) whose associated violations occurred after November 2, 2015 (the date of enactment of the 2015 Act). DHS published a correction to the IFR on August 23, 2016 to correct one amendatory instruction. *See* 81 FR 57442.

II. Overview of the Final Rule

This rule adopts, as final, the civil monetary penalty adjustment methodology that DHS announced in the IFR. This Final Rule also makes the 2017 annual inflation adjustment pursuant to the 2015 Act and pursuant to guidance OMB issued to agencies on December 16, 2016.⁴ Where applicable, we have finalized conforming edits to regulatory text. The penalty amounts in this Final Rule will be effective for penalties assessed after January 27, 2017 where the associated violation occurred after November 2, 2015. Consistent with OMB guidance, the 2015 Act does not change previously assessed penalties that the agency is actively collecting or has collected.

The IFR established the initial “catch-up” adjustment for all civil penalties that DHS and its components administer. This Final Rule makes the next adjustment to the amounts, pursuant to the 2015 Act and upon OMB guidance. The adjusted penalty amounts will apply to penalties assessed after the effective date of this Final Rule. We discuss civil penalties by DHS component in Section III below. For each component identified in Section III, below, we briefly describe

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 collected 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 OMB, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Table A, 24 February 2016. <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-06.pdf>.

⁴ OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf. (last accessed Dec. 21, 2016).

the relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2017. 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 IFR, (4) the cost-of-living adjustment multiplier for 2017 that OMB provided in its December 16, 2016 guidance, and (5) the new 2017 adjusted penalty. 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. National Protection and Programs Directorate

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).⁵ The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR).

TABLE 1—CFATS CIVIL PENALTY ADJUSTMENT

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Penalty for non-compliance with CFATS regulations.	6 U.S.C. 624(b)(1); .. 6 CFR 27.300(b)(3)	\$32,796 per day	1.01636	\$33,333

* OMB Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016.
https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

⁵ Section 550 has since been superseded by the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Pub. L. 113–254). The new legislation codified the statutory authority for Inflation Adjustment Act Improvements Act of the CFATS program within Title XXI of the Homeland Security Act of 2002, as amended. *See* 6 U.S.C. 621 *et seq.*

B. U.S. Customs and Border Protection

U.S. Customs and Border (CBP) assesses civil monetary 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. CBP’s relevant penalty provisions are located in numerous sections of the INA, however CBP has enumerated these penalties in regulation in one location—in 8 CFR 280.53. For a complete list of the INA sections for which penalties are assessed, in Protection addition to a brief description of each violation, *see* the IFR preamble at 81 FR 42989–42990. Below is a table showing the 2017 adjustment for the penalties that CBP administers.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
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.	8 U.S.C. 1221(g); 8 CFR 280.53(c)(1) (INA section 231(g)).	\$1,312	1.01636	\$1,333
Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens.	8 U.S.C. 1224; 8 CFR 280.53(c)(2) (INA section 234).	3,563	1.01636	3,621
Penalties for failure to depart voluntarily.	8 U.S.C. 1229c(d); 8 CFR 280.53(c)(3) (INA section 240B(d)).	1,502–7,512	1.01636	1,527–7,635

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
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.	8 U.S.C. 1253(c)(1)(A); 8 CFR 280.53(c)(4) (INA section 243(c)(1)(A)).	3,005	1.01636	3,054
Penalties for failure to remove alien stowaways under section 241(d)(2) of the INA.	8 U.S.C. 1253(c)(1)(B); 8 CFR 280.53(c)(4) (INA section 243(c)(1)(B)).	7,512	1.01636	7,635
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.	8 U.S.C. 1281(d); 8 CFR 280.53(c)(5) (INA section 251(d)).	356 for each alien	1.01636	362 for each alien
Penalties for use of alien crewmen for longshore work in violation of section 251(d) of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(c)(5) (INA section 251(d)).	8,908	1.01636	9,054
Penalties for failure to control, detain, or remove alien crewmen.	8 U.S.C. 1284(a); 8 CFR 280.53(c)(6) (INA section 254(a)).	891–5,345	1.01636	906–5,432
Penalties for employment on passenger vessels of aliens afflicted with certain disabilities.	8 U.S.C. 1285; 8 CFR 280.53(c)(7) (INA section 255).	1,782	1.01636	1,811

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Penalties for discharge of alien crewmen.	8 U.S.C. 1286; 8 CFR 280.53(c)(8) (INA section 256).	2,672–5,345	1.01636	2,716–5,432
Penalties for bringing into the United States alien crewmen with intent to evade immigration laws.	8 U.S.C. 1287; 8 CFR 280.53(c)(9) (INA section 257).	17,816	1.01636	18,107
Penalties for failure to prevent the unauthorized landing of aliens.	8 U.S.C. 1321(a); 8 CFR 280.53(c)(10) (INA section 271(a)).	5,345	1.01636	5,432
Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground.	8 U.S.C. 1322(a); 8 CFR 280.53(c)(11) (INA section 272(a)).	5,345	1.01636	5,432
Penalties for bringing to the United States aliens without required documentation.	8 U.S.C. 1323(b); 8 CFR 280.53(c)(12) (INA section 273(b)).	5,345	1.01636	5,432
Penalties for failure to depart	8 U.S.C. 1324d; 8 CFR 280.53(c)(13) (INA section 274D).	751	1.01636	763
Penalties for improper entry	8 U.S.C. 1325(b); 8 CFR 280.53(c)(14) (INA section 275(b)).	75–376	1.01636	76–382

* OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://whitouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf

C. 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) and the employment of unauthorized aliens.

Because both DHS and DOJ implement the three employment-related penalty sections in the INA, both Departments are codifying the civil penalty amounts in their implementing regulations. 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 2017 adjustment for the penalties that ICE administers.

TABLE 3—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(1)–(a)(4), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(A).	\$445–\$3,563	1.01636	\$452–\$3,621
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(5)–(a)(6), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(B).	376–3,005	1.01636	382–3,054
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(1)–(a)(4), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(C).	3,563–8,908	1.01636	3,621–9,054
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(5)–(a)(6), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(D).	3,005–7,512	1.01636	3,054–7,635

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Violation/prohibition of indemnity bonds.	8 CFR 274a.8(b) ..	2,156	1.01636	2,191
Civil penalties for knowingly hiring, recruiting, referral, or retention of unauthorized aliens—Penalty for first offense (per unauthorized alien).	8 CFR 274a.10 (b)(1)(ii)(A)	539–4,313	1.01636	548–4,384
Penalty for second offense (per unauthorized alien)	8 CFR 274a.10 (b)(1)(ii)(B)	4,313–10,781	1.01636	4,384–10,957
Penalty for third or subsequent offense (per unauthorized alien).	8 CFR 274a.10 (b)(1)(ii)(C)	6,469–21,563	1.01636	6,575–21,916
Civil penalties for I-9 paperwork violations	8 CFR 274a.10 (b)(2)	216–2,156	1.01636	220–2,191

*OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016.
https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

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. The applicable civil penalty amounts for violations occurring on or before November 2, 2015 are set forth in 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 2017 adjustment for the penalties that the Coast Guard administers.

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

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Saving Life and Property	14 U.S.C. 88(c)	\$10,017	1.01636	\$10,181
Saving Life and Property; Intentional Interference with Broadcast.	14 U.S.C. 88(e)	1,028	1.01636	1,045
Confidentiality of Medical Quality Assurance Records (first offense).	14 U.S.C. 645(i); 33 CFR 27.3	5,032	1.01636	5,114
Confidentiality of Medical Quality Assurance Records (subsequent offenses).	14 U.S.C. 645(i); 33 CFR 27.3	33,546	1.01636	34,095
Aquatic Nuisance Species in Waters of the United States.	16 U.S.C. 4711(g)(1); 33 CFR 27.3	37,561	1.01636	38,175
Obstruction of Revenue Officers by Masters of Vessels.	19 U.S.C. 70; 33 CFR 27.3	7,500	1.01636	7,623
Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.	19 U.S.C. 70; 33 CFR 27.3	1,750	1.01636	1,779
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge.	19 U.S.C. 1581(d) .	** 5,000	N/A	** 5,000
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty.	19 U.S.C. 1581(d) .	** 1,000	N/A	** 1,000

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Anchorage Ground/Harbor Regulations General.	33 U.S.C. 471; 33 CFR 27.3	10,875	1.01636	11,053
Anchorage Ground/Harbor Regulations St. Mary's river.	33 U.S.C. 474; 33 CFR 27.3	750	1.01636	762
Bridges/Failure to Comply with Regulations	33 U.S.C. 495(b); 33 CFR 27.3	27,455	1.01636	27,904
Bridges/ Drawbridges	33 U.S.C. 499(c); 33 CFR 27.3	27,455	1.01636	27,904
Bridges/Failure to Alter Bridge Obstructing Navigation.	33 U.S.C. 502(c); 33 CFR 27.3	27,455	1.01636	27,904
Bridges/ Maintenance and Operation	33 U.S.C. 533(b); 33 CFR 27.3	27,455	1.01636	27,904
Bridge to Bridge Communication; Master, Person in Charge or Pilot.	33 U.S.C. 1208(a); 33 CFR 27.3	2,000	1.01636	2,033
Bridge to Bridge Communication; Vessel	33 U.S.C. 1208(b); 33 CFR 27.3	2,000	1.01636	2,033
PWSA Regulations	33 U.S.C. 1232(a); 33 CFR 27.3	88,613	1.01636	90,063
Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.	33 U.S.C. 1236(b); 33 CFR 27.3	8,908	1.01636	9,054
Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel.	33 U.S.C. 1236(c); 33 CFR 27.3	8,908	1.01636	9,054
Vessel Navigation: Regattas or Marine Parades; Other Persons.	33 U.S.C. 1236(d); 33 CFR 27.3	4,454	1.01636	4,527
Oil/Hazardous Substances: Discharges (Class I per violation).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	17,816	1.01636	18,107
Oil/Hazardous Substances: Discharges (Class I total under paragraph).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Discharges (Class II per day of violation).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3	17,816	1.01636	18,107

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Oil/Hazardous Substances: Discharges (Class II total under paragraph).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3	222,695	1.01636	226,338
Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3	1,782	1.01636	1,811
Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	33 U.S.C. 1321(b)(7)(B); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	33 U.S.C. 1321(b)(7)(C); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3	5,345	1.01636	5,432
Oil/Hazardous Substances: Discharges, Gross Negligence-Minimum Penalty (Judicial Assessment).	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3	178,156	1.01636	181,071
Marine Sanitation Devices; Operating	33 U.S.C. 1322(j); 33 CFR 27.3	7,500	1.01636	7,623
Marine Sanitation Devices; Sale or Manufacture.	33 U.S.C. 1322(j); 33 CFR 27.3	20,000	1.01636	20,327
International Navigation Rules; Operator	33 U.S.C. 1608(a); 33 CFR 27.3	14,023	1.01636	14,252
International Navigation Rules; Vessel	33 U.S.C. 1608(b); 33 CFR 27.3	14,023	1.01636	14,252
Pollution from Ships; General	33 U.S.C. 1908(b)(1); 33 CFR 27.3	70,117	1.01636	71,264

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Pollution from Ships; False Statement	33 U.S.C. 1908(b)(1); 33 CFR 27.3	14,023	1.01636	14,252
Inland Navigation Rules; Operator	33 U.S.C. 2072(a); 33 CFR 27.3	14,023	1.01636	14,252
Inland Navigation Rules; Vessel	33 U.S.C. 2072(b); 33 CFR 27.3	14,023	1.01636	14,252
Shore Protection; General	33 U.S.C. 2609(a); 33 CFR 27.3	49,467	1.01636	50,276
Shore Protection; Operating Without Permit ..	33 U.S.C. 2609(b); 33 CFR 27.3	19,787	1.01636	20,111
Oil Pollution Liability and Compensation	33 U.S.C. 2716a(a); 33 CFR 27.3	44,539	1.01636	45,268
Clean Hulls	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3	40,779	1.01636	41,446
Clean Hulls-related to false statements	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3	54,373	1.01636	55,263
Clean Hulls-Recreational Vessel	33 U.S.C. 3852(c); 33 CFR 27.3	5,437	1.01636	5,526
Hazardous Substances, Releases, Liability, Compensation (Class I).	42 U.S.C. 9609(a); 33 CFR 27.3	53,907	1.01636	54,789
Hazardous Substances, Releases, Liability, Compensation (Class II).	42 U.S.C. 9609(b); 33 CFR 27.3	53,907	1.01636	54,789
Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	42 U.S.C. 9609(b); 33 CFR 27.3	161,721	1.01636	164,367
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	42 U.S.C. 9609(c); 33 CFR 27.3	53,907	1.01636	54,789
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	42 U.S.C. 9609(c); 33 CFR 27.3	161,721	1.01636	164,367
Safe Containers for International Cargo	46 U.S.C. App 1505(a)(2) (codified as 46 USC 80509); 33 CFR 27.3.....	5,893	1.01636	5,989

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Suspension of Passenger Service	46 U.S.C. App 1805(c)(2) (codified 46 USC 70305); 33 CFR 27.3	58,929	1.01636	59,893
Vessel Inspection or Examination Fees	46 U.S.C. 2110(e); 33 CFR 27.3	8,908	1.01636	9,054
Alcohol and Dangerous Drug Testing	46 U.S.C. 2115; 33 CFR 27.3	7,251	1.01636	7,370
Negligent Operations: Recreational Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	6,559	1.01636	6,666
Negligent Operations: Other Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	32,796	1.01636	33,333
Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	46 U.S.C. 2302(c)(1); 33 CFR 27.3	7,251	1.01636	7,370
Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	46 U.S.C. 2306(a)(4); 33 CFR 27.3	11,293	1.01636	11,478
Vessel Reporting Requirements: Master	46 U.S.C. 2306(b)(2); 33 CFR 27.3	2,259	1.01636	2,296
Immersion Suits	46 U.S.C. 3102(c)(1); 33 CFR 27.3	11,293	1.01636	11,478
Inspection Permit	46 U.S.C. 3302(i)(5); 33 CFR 27.3	2,355	1.01636	2,394
Vessel Inspection; General	46 U.S.C. 3318(a); 33 CFR 27.3	11,293	1.01636	11,478
Vessel Inspection; Nautical School Vessel	46 U.S.C. 3318(g); 33 CFR 27.3	11,293	1.01636	11,478
Vessel Inspection; Failure to Give Notice IAW 3304(b).	46 U.S.C. 3318(h); 33 CFR 27.3	2,259	1.01636	2,296
Vessel Inspection; Failure to Give Notice IAW 3309(c).	46 U.S.C. 3318(i); 33 CFR 27.3	2,259	1.01636	2,296
Vessel Inspection; Vessel ≥ 1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3	22,587	1.01636	22,957
Vessel Inspection; Vessel < 1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3	4,517	1.01636	4,591
Vessel Inspection; Failure to Comply with 3311(b).	46 U.S.C. 3318(k); 33 CFR 27.3	22,587	1.01636	22,957

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Vessel Inspection; Violation of 3318(b)–3318(f).	46 U.S.C. 3318(l); 33 CFR 27.3	11,293	1.01636	11,478
List/count of Passengers	46 U.S.C. 3502(e); 33 CFR 27.3	235	1.01636	239
Notification to Passengers	46 U.S.C. 3504(c); 33 CFR 27.3	23,548	1.01636	23,933
Notification to Passengers; Sale of Tickets	46 U.S.C. 3504(c); 33 CFR 27.3	1,177	1.01636	1,196
Copies of Laws on Passenger Vessels; Master.	46 U.S.C. 3506; 33 CFR 27.3	471	1.01636	479
Liquid Bulk/ Dangerous Cargo	46 U.S.C. 3718(a)(1); 33 CFR 27.3	58,871	1.01636	59,834
Uninspected Vessels	46 U.S.C. 4106; 33 CFR 27.3	9,893	1.01636	10,055
Recreational Vessels (maximum for related series of violations).	46 U.S.C. 4311(b)(1); 33 CFR 27.3	311,470	1.01636	316,566
Recreational Vessels; Violation of 4307(a)	46 U.S.C. 4311(b)(1); 33 CFR 27.3	6,229	1.01636	6,331
Recreational vessels	46 U.S.C. 4311(c); 33 CFR 27.3	2,355	1.01636	2,394
Uninspected Commercial Fishing Industry Vessels.	46 U.S.C. 4507; 33 CFR 27.3	9,893	1.01636	10,055
Abandonment of Barges	46 U.S.C. 4703; 33 CFR 27.3	1,677	1.01636	1,704
Load Lines	46 U.S.C. 5116(a); 33 CFR 27.3	10,781	1.01636	10,957
Load Lines; Violation of 5112(a)	46 U.S.C. 5116(b); 33 CFR 27.3	21,563	1.01636	21,916
Load Lines; Violation of 5112(b)	46 U.S.C. 5116(c); 33 CFR 27.3	10,781	1.01636	10,957
Reporting Marine Casualties	46 U.S.C. 6103(a); 33 CFR 27.3	37,561	1.01636	38,175
Reporting Marine Casualties; Violation of 6104	46 U.S.C. 6103(b); 33 CFR 27.3	9,893	1.01636	10,055
Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	46 U.S.C. 8101(e); 33 CFR 27.3	1,782	1.01636	1,811
Manning of Inspected Vessels	46 U.S.C. 8101(f); 33 CFR 27.3	17,816	1.01636	18,107
Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	46 U.S.C. 8101(g); 33 CFR 27.3	17,816	1.01636	18,107

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Manning of Inspected Vessels; Freight Vessel < 100 GT, Small Passenger Vessel, or Sailing School Vessel.	46 U.S.C. 8101(h); 33 CFR 27.3	2,355	1.01636	2,394
Watchmen on Passenger Vessels	46 U.S.C. 8102(a) .	2,355	1.01636	2,394
Citizenship Requirements	46 U.S.C. 8103(f) ..	1,177	1.01636	1,196
Watches on Vessels; Violation of 8104(a) or (b).	46 U.S.C. 8104(i) ..	17,816	1.01636	18,107
Watches on Vessels; Violation of 8104(c), (d), (e), or (h).	46 U.S.C. 8104(j) ..	17,816	1.01636	18,107
Staff Department on Vessels	46 U.S.C. 8302(e) .	235	1.01636	239
Officer's Competency Certificates	46 U.S.C. 8304(d) .	235	1.01636	239
Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 8502(e) .	17,816	1.01636	18,107
Coastwise Pilotage; Individual	46 U.S.C. 8502(f) ..	17,816	1.01636	18,107
Federal Pilots	46 U.S.C. 8503	56,467	1.01636	57,391
Merchant Mariners Documents	46 U.S.C. 8701(d) .	1,177	1.01636	1,196
Crew Requirements	46 U.S.C. 8702(e) .	17,816	1.01636	18,107
Small Vessel Manning	46 U.S.C. 8906	37,561	1.01636	38,175
Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 9308(a) .	17,816	1.01636	18,107
Pilotage: Great Lakes; Individual	46 U.S.C. 9308(b) .	17,816	1.01636	18,107
Pilotage: Great Lakes; Violation of 9303	46 U.S.C. 9308(c) .	17,816	1.01636	18,107
Failure to Report Sexual Offense	46 U.S.C. 10104(b)	9,468	1.01636	9,623
Pay Advances to Seamen	46 U.S.C. 10314(a)(2)	1,177	1.01636	1,196
Pay Advances to Seamen; Remuneration for Employment.	46 U.S.C. 10314(b)	1,177	1.01636	1,196

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Allotment to Seamen	46 U.S.C. 10315(c) .	1,177	1.01636	1,196
Seamen Protection; General	46 U.S.C. 10321 ...	8,162	1.01636	8,296
Coastwise Voyages: Advances	46 U.S.C. 10505(a)(2)	8,162	1.01636	8,296
Coastwise Voyages: Advances; Remuneration for Employment.	46 U.S.C. 10505(b)	8,162	1.01636	8,296
Coastwise Voyages: Seamen Protection; General.	46 U.S.C. 10508(b)	8,162	1.01636	8,296
Effects of Deceased Seamen	46 U.S.C. 10711	471	1.01636	479
Complaints of Unfitness	46 U.S.C. 10902(a)(2)	1,177	1.01636	1,196
Proceedings on Examination of Vessel	46 U.S.C. 10903(d)	235	1.01636	239
Permission to Make Complaint	46 U.S.C. 10907(b)	1,177	1.01636	1,196
Accommodations for Seamen	46 U.S.C. 11101(f) .	1,177	1.01636	1,196
Medicine Chests on Vessels	46 U.S.C. 11102(b) .	1,177	1.01636	1,196
Destitute Seamen	46 U.S.C. 11104(b) .	235	1.01636	239
Wages on Discharge	46 U.S.C. 11105(c) .	1,177	1.01636	1,196
Log Books; Master Failing to Maintain	46 U.S.C. 11303(a)	471	1.01636	479
Log Books; Master Failing to Make Entry	46 U.S.C. 11303(b)	471	1.01636	479
Log Books; Late Entry	46 U.S.C. 11303(c) .	353	1.01636	359
Carrying of Sheath Knives	46 U.S.C. 11506	118	1.01636	120
Vessel Documentation	46 U.S.C. 12151(a)(1)	15,423	1.01636	15,675
Documentation of Vessels—Related to Activities involving mobile offshore drilling units.	46 U.S.C. 12151 (a)(2)	25,705	1.01636	26,126
Vessel Documentation; Fishery Endorsement	46 U.S.C. 12151(c) .	117,858	1.01636	119,786
Numbering of Undocumented Vessels—Willful violation.	46 U.S.C. 12309(a)	11,774	1.01636	11,967

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Numbering of Undocumented Vessels	46 U.S.C. 12309(b)	2,355	1.01636	2,394
Vessel Identification System	46 U.S.C. 12507(b)	19,787	1.01636	20,111
Measurement of Vessels	46 U.S.C. 14701 ...	43,126	1.01636	43,832
Measurement; False Statements	46 U.S.C. 14702 ...	43,126	1.01636	43,832
Commercial Instruments and Maritime Liens	46 U.S.C. 31309 ...	19,787	1.01636	20,111
Commercial Instruments and Maritime Liens; Mortgagor.	46 U.S.C. 31330(a)(2)	19,787	1.01636	20,111
Commercial Instruments and Maritime Liens; Violation of 31329.	46 U.S.C. 31330(b)(2)	49,467	1.01636	50,276
Port Security	46 U.S.C. 70119(a)	32,796	1.01636	33,333
Port Security-Continuing Violations	46 U.S.C. 70119(b)	58,929	1.01636	59,893
Maritime Drug Law Enforcement	46 U.S.C. 70506(c) .	5,437	1.01636	5,526
Hazardous Materials: Related to Vessels	49 U.S.C. 5123(a)(1)	77,114	1.01636	78,376
Hazardous Materials: Related to Vessels-Penalty from Fatalities, Serious Injuries/Illness or substantial Damage to Property.	49 U.S.C. 5123(a)(2)	179,933	1.01636	182,877
Hazardous Materials: Related to Vessels; Training.	49 U.S.C. 5123(a)(3)	463	1.01636	471

* OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

** Exempt as under the Tariff Act.

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. 114(v), TSA may impose penalties for violations of any statute that TSA administers, whether an implementing regulation or order imposes the penalty.⁶ TSA assesses

⁶ See 49 U.S.C. 114(v), as amended by sec. 1302 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266 (Aug. 3, 2007)).

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),⁷ 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 2017 adjustment for the penalties that TSA administers.

TABLE 5—TRANSPORTATION SECURITY ADMINISTRATION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by a person operating an aircraft for the transportation of passengers or property for compensation.	49 U.S.C. 46301(a)(1), (4); 49 CFR 1503.401(c)(2).	\$32,140 (up to a total of \$514,244 per civil penalty action).	1.01636	\$32,666 (up to a total of \$522,657 per civil penalty action).
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by an individual (except an airman serving as an airman), any person not operating an aircraft for the transportation of passengers or property for compensation, or a small business concern.	49 U.S.C. 46301(a)(1), (4); 49 CFR 1503.401(c)(1).	\$12,856 (up to a total of \$64,281 total for small businesses, \$514,244 for others).	1.01636	\$13,066 (up to a total of \$65,333 total for small business, \$522,657 for others).

⁷ See, e.g., 46 U.S.C. 70105, 49 U.S.C. 46302 and 46303, and U.S.C. ch. 449.

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Violation of any other provision of title 49 U.S.C. or of 46 U.S.C. ch. 701, a regulation prescribed, or order issued thereunder.	49 U.S.C. 114(v); 49 CFR 1503.401(b).	\$11,002 (up to a total of \$55,010 total for small businesses, \$440,080 for others).	1.01636	\$11,182 (up to a total of \$55,910 total for small businesses, \$447,280 for others).

* OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

IV. Discussion of Public Comments

DHS did not receive any public comments on the IFR.

V. Administrative Procedure Act

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** (5 U.S.C. 553(b)) and to provide interested persons with the opportunity to submit comments (5 U.S.C. 553(c)). The APA also requires agencies to provide a delayed effective date (of not less than 30 days) for substantive rules. 5 U.S.C. 553(d). The APA, however, provides an exception to the notice and public comment requirements where the “agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to public interest.” 5 U.S.C. 553(b)(B).

As discussed in the preamble to the IFR, DHS issued the IFR pursuant to the “good cause” exception in the APA. With respect to this Final Rule and future required annual adjustments, the 2015 Act, specifically instructed that agencies are to make the required annual adjustments notwithstanding section 553 of title 5 of the United States Code.

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. Accordingly, and as specified in the 2015 Act, the prior public notice and comment procedures and delayed effective date requirements of the APA do not apply to this rule.

As described in Section I above, the 2015 Act requires agencies to make annual adjustments to civil monetary penalties no later than

January 15 of each year and to publish the adjustments in the **Federal Register**. DHS intends to make future annual inflation adjustments by publication of a Final Rule, notwithstanding section 553 of title 5 of the United States Code including the notice-and-comment and delayed effective date requirements of the APA. In future annual adjustments, DHS will merely need to update the penalty amounts by applying the cost-of-living adjustment multiplier that OMB provides to agencies. Accordingly, DHS will publish a Final Rule, notwithstanding section 553 of title 5 of the United States Code, that provides a table with the adjusted penalty amounts and that updates the numbers in the regulatory text accordingly.

VI. 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.⁸ 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.

⁸ OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

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.

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.

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, the interim rule amending 6 CFR part 27, 8 CFR parts 270, 274a, and 280, 33 CFR part 27, and 49 CFR part 1503, which was published at 81 FR 42987 on July 1, 2016, is adopted as a final rule with the following changes:

Title 6—Domestic Security

PART 27—CHEMICAL FACILITY ANTITERRORISM STANDARDS

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

Authority: 6 U.S.C. 624; Public Law 101–410, 104 Stat. 890, as amended by Public Law 114–74, 129 Stat. 599.

■ 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 \$33,333 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:

Authority: 8 U.S.C. 1101, 1103, and 1324c; Public Law 101–410, 104 Stat. 890, as amended by Public Law 104–134, 110 Stat. 1321 and Public Law 114–74, 129 Stat. 599.

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

§ 270.3 Penalties.

* * * * *

(b) * * *

(1) * * *

(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 on or after March 27, 2008 and on or before November 2, 2015; and not less than \$452 and not exceeding \$3,621 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 \$382 and not exceeding \$3,054 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

(C) *Subsequent offenses under section 274C(a)(1) through (a)(4)*. Not less than \$2,200 and not more than \$5,500 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 \$3,200 and not exceeding \$6,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,621 and not more than \$9,054 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(D) *Subsequent offenses under section 274C(a)(5) or (a)(6)*. Not less than \$2,000 and not more than \$5,000 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 \$2,200 and not exceeding \$5,500 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,054 and not more than \$7,635 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:

Authority: 8 U.S.C. 1101, 1103, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Public Law 101– 410, 104 Stat. 890, as amended by Public Law 114–74, 129 Stat. 599.

■ 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 \$2,191 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), (B), and (C) and (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 on or after March 27, 2008 and on or before November 2, 2015; and not less than \$548 and not more than \$4,384 for each unauthorized alien with respect to whom the offense occurred occurring after November 2, 2015.

(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 \$4,384 and not more than \$10,957 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 \$6,575 and not more than \$21,916 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 \$220 and not more than \$2,191 for each individual with respect to whom such violation occurred after November 2, 2015. In determining the amount of the penalty, consideration shall be given to:

- (i) The size of the business of the employer being charged;
- (ii) The good faith of the employer;
- (iii) The seriousness of the violation;
- (iv) Whether or not the individual was an unauthorized alien; and
- (v) The history of previous violations of the employer.

* * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

■ 8. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Public Law 101–410, 104 Stat. 890, as amended by Public Law 114–74, 129 Stat. 599.

■ 9. Revise § 280.53 to read as follows:

§ 280.53 Civil monetary penalties inflation adjustment.

(a) *Statutory authority.* In accordance with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, Sec. 701, 129 Stat. 599, the civil monetary penalties listed in paragraph (b) of this section are adjusted as provided in paragraph (b).

(b) *Adjustment of penalties.* For violations occurring on or before November 2, 2015, the penalty amount prior to adjustment applies. For violations occurring after November 2, 2015, the listed penalties are adjusted as follows:

(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 \$1,312 to \$1,333.

(2) Section 234 of the Act, Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$3,563 to \$3,621.

(3) Section 240B(d) of the Act, Penalties for failure to depart voluntarily: From \$1,502 minimum/ \$7,512 maximum to \$1,527 minimum/ \$7,635 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 \$3,005 to \$3,054;

(5) Penalties for failure to remove alien stowaways under section 241(d)(2): From \$7,512 to \$7,635.

(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 \$356 to \$362; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$8,908 to \$9,054.

(7) Section 254(a) of the Act, Penalties for failure to control, detain, or remove alien crewmen: From \$891 minimum/ \$5,345 maximum to \$906 minimum/ \$5,432 maximum.

(8) Section 255 of the Act, Penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From \$1,782 to \$1,811.

(9) Section 256 of the Act, Penalties for discharge of alien crewmen: From \$2,672 minimum/\$5,345 maximum to \$2,716 minimum/\$5,432 maximum.

(10) Section 257 of the Act, Penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$17,816 maximum to \$18,107 maximum.

(11) Section 271(a) of the Act, Penalties for failure to prevent the unauthorized landing of aliens: From \$5,345 to \$5,432.

(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 \$5,345 to \$5,432.

(13) Section 273(b) of the Act, Penalties for bringing to the United States aliens without required documentation: From \$5,345 to \$5,432.

(14) Section 274D of the Act, Penalties for failure to depart: From \$751 to \$763, for each day the alien is in violation.

(15) Section 275(b) of the Act, Penalties for improper entry: From \$75 minimum/\$376 maximum to \$76 minimum/\$382 maximum, for each entry or attempted entry.

Title 33—Navigation and Navigable Waters

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

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

Authority: Secs. 1–6, Public Law 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Public Law 104–134, as amended by Public Law 114–74; 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 11. Revise § 27.3 to read as follows:

§ 27.3 Penalty adjustment table.

Table 1 identifies the statutes administered by the Coast Guard that authorize a civil monetary penalty. The “adjusted maximum penalty” is the maximum penalty authorized by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, as determined by the Coast Guard. The adjusted civil penalty amounts listed in Table 1 are applicable for penalty assessments issued after January 27, 2017, with respect to violations occurring after November 2, 2015. The applicable civil penalty amounts for

violations occurring on or before November 2, 2015, are set forth in previously published regulations amending this part.

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
14 U.S.C. 88(c).....	Saving Life and Property	10,181
14 U.S.C. 88(e).....	Saving Life and Property; Intentional Interference with Broadcast	1,045
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense).....	5,114
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses).....	34,095
16 U.S.C. 4711(g)(1)	Aquatic Nuisance Species in Waters of the United States	38,175
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	7,623
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.....	1,779
19 U.S.C. 1581(d) ...	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge ¹	5,000
19 U.S.C. 1581(d) ...	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty ¹	1,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations	11,053
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River.....	762
33 U.S.C. 495(b)	Bridges/Failure to Comply with Regulations.....	27,904
33 U.S.C. 499(c).....	Bridges/Drawbridges.....	27,904
33 U.S.C. 502(c).....	Bridges/Failure to Alter Bridge Obstructing Navigation	27,904
33 U.S.C. 533(b)	Bridges/Maintenance and Operation.....	27,904
33 U.S.C. 1208(a) ...	Bridge to Bridge Communication; Master, Person in Charge or Pilot	2,033
33 U.S.C. 1208(b) ...	Bridge to Bridge Communication; Vessel.....	2,033
33 U.S.C. 1232(a) ...	PWSA Regulations	90,063
33 U.S.C. 1236(b) ...	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.....	9,054
33 U.S.C. 1236(c).....	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	9,054
33 U.S.C. 1236(d) ...	Vessel Navigation: Regattas or Marine Parades; Other Persons.....	4,527
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I per violation)	18,107
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I total under paragraph)	45,268
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II per day of violation).....	18,107
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II total under paragraph).....	226,338
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.....	45,268

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	1,811
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).....	45,268
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).....	45,268
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.....	5,432
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).....	181,071
33 U.S.C. 1322(j) ...	Marine Sanitation Devices; Operating	7,623
33 U.S.C. 1322(j) ...	Marine Sanitation Devices; Sale or Manufacture ...	20,327
33 U.S.C. 1608(a) ...	International Navigation Rules; Operator	14,252
33 U.S.C. 1608(b) ...	International Navigation Rules; Vessel	14,252
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	71,264
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	14,252
33 U.S.C. 2072(a) ...	Inland Navigation Rules; Operator	14,252
33 U.S.C. 2072(b) ...	Inland Navigation Rules; Vessel	14,252
33 U.S.C. 2609(a) ...	Shore Protection; General	50,276
33 U.S.C. 2609(b) ...	Shore Protection; Operating Without Permit	20,111
33 U.S.C. 2716a(a) .	Oil Pollution Liability and Compensation	45,268
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	41,446
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; related to false statements	55,263
33 U.S.C. 3852(c) ...	Clean Hulls; Recreational Vessels	5,526
42 U.S.C. 9609(a) ...	Hazardous Substances, Releases, Liability, Compensation (Class I)	54,789
42 U.S.C. 9609(b) ...	Hazardous Substances, Releases, Liability, Compensation (Class II)	54,789
42 U.S.C. 9609(b) ...	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense)	164,367
42 U.S.C. 9609(c) ...	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	54,789
42 U.S.C. 9609(c) ...	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).....	164,367
46 U.S.C. 80509(a) .	Safe Containers for International Cargo	5,989
46 U.S.C. 70305(c) ..	Suspension of Passenger Service	59,893
46 U.S.C. 2110(e) ...	Vessel Inspection or Examination Fees	9,054
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	7,370
46 U.S.C. 2302(a) ...	Negligent Operations: Recreational Vessels	6,666
46 U.S.C. 2302(a) ...	Negligent Operations: Other Vessels	33,333
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	7,370

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent	11,478
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	2,296
46 U.S.C. 3102(c)(1)	Immersion Suits	11,478
46 U.S.C. 3302(i)(5)	Inspection Permit	2,394
46 U.S.C. 3318(a) ...	Vessel Inspection; General	11,478
46 U.S.C. 3318(g) ...	Vessel Inspection; Nautical School Vessel	11,478
46 U.S.C. 3318(h) ...	Vessel Inspection; Failure to Give Notice IAW 3304(b)	2,296
46 U.S.C. 3318(i) ...	Vessel Inspection; Failure to Give Notice IAW 3309(c)	2,296
46 U.S.C. 3318(j)(1) .	Vessel Inspection; Vessel≥1600 Gross Tons	22,957
46 U.S.C. 3318(j)(1) .	Vessel Inspection; Vessel <1600 Gross Tons	4,591
46 U.S.C. 3318(k) ...	Vessel Inspection; Failure to Comply with 3311(b) .	22,957
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	11,478
46 U.S.C. 3502(e) ...	List/count of Passengers	239
46 U.S.C. 3504(c)	Notification to Passengers	23,933
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	1,196
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	479
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	59,834
46 U.S.C. 4106	Uninspected Vessels	10,055
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	316,566
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	6,331
46 U.S.C. 4311(c)	Recreational Vessels	2,394
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels .	10,055
46 U.S.C. 4703	Abandonment of Barges	1,704
46 U.S.C. 5116(a) ...	Load Lines	10,957
46 U.S.C. 5116(b) ...	Load Lines; Violation of 5112(a)	21,916
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	10,957
46 U.S.C. 6103(a) ...	Reporting Marine Casualties	38,175
46 U.S.C. 6103(b) ...	Reporting Marine Casualties; Violation of 6104	10,055
46 U.S.C. 8101(e) ...	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	1,811
46 U.S.C. 8101(f)	Manning of Inspected Vessels	18,107
46 U.S.C. 8101(g) ...	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG	18,107
46 U.S.C. 8101(h) ...	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel	2,394
46 U.S.C. 8102(a) ...	Watchmen on Passenger Vessels	2,394
46 U.S.C. 8103(f)	Citizenship Requirements	1,196
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	18,107
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	18,107
46 U.S.C. 8302(e) ...	Staff Department on Vessels	239

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
46 U.S.C. 8304(d) ...	Officer's Competency Certificates	239
46 U.S.C. 8502(e) ...	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge..	18,107
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	18,107
46 U.S.C. 8503	Federal Pilots	57,391
46 U.S.C. 8701(d) ...	Merchant Mariners Documents	1,196
46 U.S.C. 8702(e) ...	Crew Requirements	18,107
46 U.S.C. 8906	Small Vessel Manning	38,175
46 U.S.C. 9308(a) ...	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.....	18,107
46 U.S.C. 9308(b) ...	Pilotage: Great Lakes; Individual	18,107
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	18,107
46 U.S.C. 10104(b) .	Failure to Report Sexual Offense	9,623
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen.....	1,196
46 U.S.C. 10314(b) .	Pay Advances to Seamen; Remuneration for Employment	1,196
46 U.S.C. 10315(c) ..	Allotment to Seamen	1,196
46 U.S.C. 10321	Seamen Protection; General	8,296
46 U.S.C. 10505(a)(2)	Coastwise Voyages: Advances	8,296
46 U.S.C. 10505(b) .	Coastwise Voyages: Advances; Remuneration for Employment	8,296
46 U.S.C. 10508(b) .	Coastwise Voyages: Seamen Protection; General ...	8,296
46 U.S.C. 10711	Effects of Deceased Seamen	479
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1,196
46 U.S.C. 10903(d) .	Proceedings on Examination of Vessel	239
46 U.S.C. 10907(b) .	Permission to Make Complaint	1,196
46 U.S.C. 11101(f) ..	Accommodations for Seamen	1,196
46 U.S.C. 11102(b) ..	Medicine Chests on Vessels	1,196
46 U.S.C. 11104(b) ..	Destitute Seamen	239
46 U.S.C. 11105(c) ..	Wages on Discharge	1,196
46 U.S.C. 11303(a) .	Log Books; Master Failing to Maintain	479
46 U.S.C. 11303(b) .	Log Books; Master Failing to Make Entry	479
46 U.S.C. 11303(c) ..	Log Books; Late Entry.....	359
46 U.S.C. 11506	Carrying of Sheath Knives	120
46 U.S.C. 12151(a)(1)	Vessel Documentation	15,675
46 U.S.C. 12151(a)(2)	Documentation of Vessels—Related to activities involving mobile offshore drilling units	26,126
46 U.S.C. 12151(c) ..	Vessel Documentation; Fishery Endorsement	119,786
46 U.S.C. 12309(a) .	Numbering of Undocumented Vessels—Willful violation	11,967
46 U.S.C. 12309(b) .	Numbering of Undocumented Vessels	2,394
46 U.S.C. 12507(b) .	Vessel Identification System	20,111

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
46 U.S.C. 14701	Measurement of Vessels	43,832
46 U.S.C. 14702	Measurement; False Statements	43,832
46 U.S.C. 31309	Commercial Instruments and Maritime Liens	20,111
46 U.S.C. 31330(a)(2)	Commercial Instruments and Maritime Liens; Mortgage	20,111
46 U.S.C. 31330(b)(2)	Commercial Instruments and Maritime Liens; Violation of 31329	50,276
46 U.S.C. 70119(a) .	Port Security	33,333
46 U.S.C. 70119(b) .	Port Security—Continuing Violations	59,893
46 U.S.C. 70506	Maritime Drug Law Enforcement; Penalties	5,526
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Maximum Penalty	78,376
49 U.S.C. 5123(a)(2)	Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or Substantial Damage to Property.	182,877
49 U.S.C. 5123(a)(3)	Hazardous Materials: Related to Vessels—Training .	471

¹ Enacted under the Tariff Act of 1930, exempt from inflation adjustments.

Title 49—Transportation

PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

■ 12. The authority citation for part 1503 continues to read as follows:

Authority: 6 U.S.C. 1142; 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 114, 20109, 31105, 40113–40114, 40119, 44901–44907, 46101–46107, 46109–46110, 46301, 46305, 46311, 46313–46314; Public Law 104–134, as amended by Public Law 114–74.

■ 13. Revise § 1503.401 to read as follows:

§ 1503.401 Maximum penalty amounts.

(a) *General.* TSA may assess civil penalties not exceeding the following amounts against a person for the violation of a TSA requirement.

(b) *In general.* Except as provided in paragraph (c) of this section, in the case of violation of title 49 U.S.C. or 46 U.S.C. chapter 701, or a regulation prescribed or order issued under any of those provisions, TSA may impose a civil penalty in the following amounts:

(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 \$11,182 per violation, up to a total of \$55,910 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, \$11,182 per violation, up to a total of \$447,280 per civil penalty action, in the case of any other person.

(c) *Certain aviation related violations.* In the case of a violation of 49 U.S.C. chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, or a regulation prescribed or order issued under any of those provisions, TSA may impose a civil penalty in the following amounts:

(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, \$13,066 per violation, up to a total of 65,333 per civil penalty action, in the case of an individual (except an airman serving as an airman), or a small business concern.

(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 (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, \$13,066 per violation, up to a total of \$522,657 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, \$32,666 per violation, up to a total of \$522,657 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.

JEH CHARLES JOHNSON,
Secretary.

**DELAY OF EFFECTIVE DATE FOR THE AUTOMATED
COMMERCIAL ENVIRONMENT (ACE) BECOMING THE
SOLE CBP-AUTHORIZED ELECTRONIC DATA
INTERCHANGE (EDI) SYSTEM FOR PROCESSING
ELECTRONIC DRAWBACK AND DUTY DEFERRAL ENTRY
AND ENTRY SUMMARY FILINGS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Delay of effective date.

SUMMARY: On August 30, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** announcing plans to make the Automated Commercial Environment (ACE) the sole electronic data interchange (EDI) system authorized by the Commissioner of U.S. Customs and Border Protection (CBP) for processing electronic drawback and duty deferral entry and entry summary filings. The changes announced in that notice were to have been effective on October 1, 2016. On October 3, 2016, CBP published a notice in the **Federal Register** announcing that the effective date for the transition to ACE as the sole CBP-authorized EDI system for electronic drawback and duty deferral entry and entry summary filings would be delayed until further notice. On December 12, 2016, CBP published a notice in the **Federal Register** announcing that the effective date for the transition would be January 14, 2017. This notice announces that the effective date for the transition has been delayed until further notice.

DATES: *The effective date is delayed until further notice:* CBP will publish a subsequent notice announcing the effective date when ACE will be the sole CBP-authorized EDI system for processing electronic drawback and duty deferral entry and entry summary filings, and ACS will no longer be a CBP-authorized EDI system for purposes of processing these filings.

FOR FURTHER INFORMATION CONTACT: Questions related to this notice may be emailed to ASKACE@cbp.dhs.gov with the subject line identifier reading “ACS to ACE Drawback and Duty Deferral Entry and Entry Summary Filings transition”.

SUPPLEMENTARY INFORMATION: On August 30, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** (81 FR 59644) announcing plans to make the Automated Commercial Environment (ACE) the sole electronic data interchange (EDI) system authorized by the Commissioner of U.S. Customs and Border Protection (CBP) for processing electronic drawback and duty deferral entry and entry summary filings,

effective on October 1, 2016. The document also announced that, on October 1, 2016, the Automated Commercial System (ACS) would no longer be a CBP-authorized EDI system for purposes of processing these electronic filings. Finally, the notice announced a name change for the ACE filing code for duty deferral and the creation of a new ACE filing code for all electronic drawback filings, replacing the six distinct drawback codes previously filed in ACS. On October 3, 2016, CBP published a notice in the **Federal Register** (81 FR 68023) announcing that the effective date for these changes would be delayed until further notice. Thereafter, on December 12, 2016, CBP published a notice in the **Federal Register** (81 FR 89486) announcing that the new effective date for the transition would be January 14, 2017.

The effective date for the all that was announced in the August 30, 2016 **Federal Register** notice, including the transition to ACE as the sole CBP-authorized EDI system for electronic drawback and duty deferral entry and entry summary filings, is delayed until further notice. CBP will publish a subsequent notice announcing the effective date.

Dated: January 11, 2017.

BRENDA B. SMITH,
*Executive Assistant Commissioner,
Office of Trade.*

[Published in the Federal Register, January 17, 2017 (82 FR 4900)]



**DELAYED EFFECTIVE DATE FOR MODIFICATIONS OF
THE NATIONAL CUSTOMS AUTOMATION PROGRAM
TESTS REGARDING RECONCILIATION, POST-SUMMARY
CORRECTIONS, AND PERIODIC MONTHLY STATEMENTS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Delay of effective date.

SUMMARY: This notice announces that the effective date for the modifications to the National Customs Automation Program (NCAP) tests regarding Reconciliation, Post-Summary Corrections, and Periodic Monthly Statements is delayed until further notice. On December 12, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** announcing modifications to the National Customs Automation Program (NCAP) test regarding reconciliation, and the transition of the test from the Automated Commercial System (ACS) to the Automated Commercial Environment (ACE). The modifications made by this notice were to be effective on January 14, 2017. On December 12, 2016, U.S. Customs and Border

Protection (CBP) published in the **Federal Register** a document announcing CBP's plans to modify and clarify the National Customs Automation Program (NCAP) test regarding Post-Summary Correction (PSC) claims to entry summaries that are filed in the Automated Commercial Environment (ACE), as well as the Periodic Monthly Statement (PMS) test. The notice liberalized and eliminated some requirements needed for the filing of PSCs; however, it also placed burdens on the importer in the form of a restriction and a prohibition. Subsequently, CBP published a notice in the **Federal Register** on January 9, 2017, to remove the restriction imposed on all PSC filings to make payments within three business days of submitting the PSC, with the exception of entry type 03 filings, and to remove the prohibition of filing additional PSCs until additional duties, fees and taxes are deposited. The changes to the PSC and PMS tests were to have been effective January 14, 2017. This notice announces that the effective date for the modifications to these NCAP tests has been delayed until further notice.

DATES: The effective date for the modifications to the reconciliation, PSC, and PMS NCAP tests is delayed until further notice.

ADDRESSES: Comments concerning the reconciliation test program may be submitted any time during the test via email, with a subject line identifier reading, "Comment on Reconciliation test", to *OFO-RECONFOLDER@cbp.dhs.gov*.

Comments concerning the PSC and PMS test programs may be submitted via email to Monica Crockett at *ESARinfoinbox@dhs.gov* with a subject line identifier reading, "Post-Summary Corrections and Periodic Monthly Statements."

FOR FURTHER INFORMATION CONTACT: *Reconciliation:* Acenitha Kennedy, Entry Summary and Revenue Branch, Trade Policy and Programs, Office of Trade at (202) 863-6064 or *ACENITHA.KENNEDY@CBP.DHS.GOV*.

PSC and PMS: For policy-related questions, contact Randy Mitchell, Director, Commercial Operations, Trade Policy and Programs, Office of Trade, at *Randy.Mitchell@cbp.dhs.gov*. For technical questions related to ABI transmissions, contact your assigned client representative. Interested parties without an assigned client representative should direct their questions to the Client Representative Branch at (703) 650-3500.

SUPPLEMENTARY INFORMATION:

Background

I. Reconciliation Test

On December 12, 2016, U.S. Customs and Border Protection (CBP) published a notice entitled “Modification of the National Customs Automation Program Test Regarding Reconciliation and Transition of the Test from the Automated Commercial System to the Automated Commercial Environment” in the **Federal Register** (81 FR 89486), with an effective date of January 14, 2017. This notice announced modifications to the National Customs Automation Program (NCAP) test regarding reconciliation, and the transition of the test from the Automated Commercial System (ACS) to the Automated Commercial Environment (ACE). The modifications eliminated several requirements for participation in the test, imposed new data requirements, and established the requirement that reconciliation entries be filed in ACE regardless of whether the underlying entry was filed in ACS or ACE.

CBP has assessed stakeholder readiness for the mandatory transition of post-release capabilities in ACE, including the modifications to the reconciliation test and the transition of reconciliation filings from ACS to ACE. This notice announces that the effective date for the modifications to the reconciliation test, and for mandatory filing of reconciliation entries in ACE has been delayed until further notice.

II. Post-Summary Correction and Periodic Monthly Statement Tests

On December 12, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** (81 FR 89482) announcing plans to modify and clarify, effective January 14, 2017, the National Customs Automation Program (NCAP) test regarding Post-Summary Correction (PSC) claims, and the Periodic Monthly Statement (PMS) test. The modifications made by the notice eliminated or liberalized certain requirements for the filing of a PSC, making it easier for importers to file a PSC for additional entry types, and allowed filers additional time to make a deposit for duties, fees and taxes owed. With regard to the PMS test program, the notice announced the time at which CBP considers a PMS as paid when filers use the Automated Clearing House (ACH) debit process.

Subsequently, CBP decided not to implement two of the changes announced in the December 12, 2016 notice. In a notice published in the **Federal Register** (82 FR 2385) on January 9, 2017, CBP removed the requirement that additional duties, fees and taxes be submitted within three business days of filing a PSC, and limited the restriction of submitting payment to PSC filings declaring an in-

crease of liability for antidumping/ countervailing duties and associated fees and taxes. The notice also removed the prohibition of filing additional PSCs until the duties, fees and taxes are deposited. Like the changes made in the December 12, 2016 notice, these changes were to become effective on January 14, 2017. This notice announces that the effective date for the modifications to the PSC and PMS tests has been delayed until further notice.

Dated: January 11, 2017.

BRENDA B. SMITH,
*Executive Assistant Commissioner,
Office of Trade.*

[Published in the Federal Register, January 17, 2017 (82 FR 4901)]



**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 12 2016)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in December 2016. The last notice was published in the CUSTOMS BULLETIN Vol. 50, No. 51 on December 21, 2016.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229–1177, or via email at iprrquestions@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations & Rulings, Office of Trade at (202) 325–0095.

Dated: January 30, 2017

CHARLES R. STEUART
*Chief,
Intellectual Property Rights Branch
Regulations & Rulings Office of Trade*

CBP IPR RECORDATION — DECEMBER 2016

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 16-00188	12/02/2016	12/02/2036	WWE Network Logo (color)	WORLD WRESTLING ENTERTAINMENT, INC.	No
COP 16-00189	12/02/2016	12/02/2036	WWE Network Logo (black & white)	WORLD WRESTLING ENTERTAINMENT, INC.	No
COP 16-00190	12/02/2016	12/02/2036	WWE Logo.	WORLD WRESTLING ENTERTAINMENT, INC.	No
COP 16-00191	12/06/2016	12/06/2036	ANIMAL CROSSING amiibo CARDS - SERIES 3.	Nintendo of America Inc.	No
COP 16-00192	12/09/2016	12/09/2036	MARVEL GUARDIANS OF THE GALAXY GLOBAL CREATIVE BPG.	MVL Film Finance LLC,	No
COP 16-00193	12/09/2016	12/09/2036	MARVEL DEADPOOL GLOBAL CREATIVE BPG - STYLE GUIDE.	Marvel Characters, Inc.	No
COP 16-00194	12/09/2016	12/09/2036	ANIMAL CROSSING amiibo CARDS - SERIES 2.	Nintendo of America Inc.	No
COP 16-00195	12/13/2016	12/13/2036	DOCTOR STRANGE - GLOBAL CREATIVE BPG STYLE GUIDE.	MVL Film Finance LLC	No
COP 16-00196	12/28/2016	12/28/2036	Paw Patrol Toys Packaging Artwork 1.0.	Spin Master Ltd.	No
COP 16-00197	12/28/2016	12/28/2036	HATCHIMALS PENGUALA TOY 1.0.	Spin Master, Ltd.	No
COP 16-00198	12/30/2016	12/30/2036	HATCHIMALS DRAGGLE TOY 1.0.	Spin Master, Ltd.	No
COP 16-00199	12/30/2016	12/30/2036	HATCHIMALS - COLLECTION OF PACKAGING ARTWORK 1.0.	Spin Master, Ltd.	No
COP 16-00200	12/30/2016	12/30/2036	Pikachu = Pteckachu.	Nintendo of America, Inc., Game Freak, Inc., Creatures, Inc., Shogakukan Production Company, Ltd., TV Tokyo & amp; East Japan Marketing & amp; Communications, Inc.	No
COP 16-00201	12/30/2016	12/30/2036	POKEMON SUN.	GAME FREAK INC.,	No
COP 16-00202	12/30/2016	12/30/2036	POKEMON MOON.	GAME FREAK INC.,	No
COP 16-00203	12/30/2016	12/30/2036	POKEMON MOON (U.S. Commercial Packaging)	Creatures Inc.,	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 16-00204	12/30/2016	12/30/2036	POKEMON SUN (U.S. Commercial Packaging)	Creatures Inc.,	No
TMK 00-00373	12/15/2016	02/18/2027	SEIKO	SEIKO HOLDINGS KABUSHIKI KAISHA T/A SEIKO HOLDINGS CORPORATION	No
TMK 00-00373	12/15/2016	02/18/2027	SEIKO	SEIKO HOLDINGS KABUSHIKI KAISHA T/A SEIKO HOLDINGS CORPORATION	No
TMK 00-00404	12/13/2016	12/17/2026	LINEN WASH	LE BLANC, INC.	No
TMK 00-00404	12/13/2016	12/17/2026	LINEN WASH	LE BLANC, INC.	No
TMK 01-00351	12/09/2016	03/31/2027	DOLCE VITA	PARFUMSCHRISTIAN DIOR, S.A.	No
TMK 01-00351	12/09/2016	03/31/2027	DOLCE VITA	PARFUMSCHRISTIAN DIOR, S.A.	No
TMK 01-00430	12/02/2016	01/24/2021	RAW	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 01-00430	12/02/2016	01/24/2021	RAW	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 02-00105	12/09/2016	01/22/2027	ATLANTA HAWKS AND DESIGN	Atlanta Hawks, L.P.	No
TMK 02-00105	12/09/2016	01/22/2027	ATLANTA HAWKS AND DESIGN	Atlanta Hawks, L.P.	No
TMK 02-00189	12/09/2016	03/19/2026	HERMES PARIS plus Design	Hermes International	No
TMK 02-00189	12/09/2016	03/19/2026	HERMES PARIS plus Design	Hermes International	No
TMK 02-00234	12/13/2016	06/14/2020	UNDERTAKER	TitanSports, Inc.	No
TMK 02-00234	12/13/2016	06/14/2020	UNDERTAKER	TitanSports, Inc.	No
TMK 03-00252	12/06/2016	04/04/2023	HUBLOT AND DESIGN	HUBLOT SA	No
TMK 03-00252	12/06/2016	04/04/2023	HUBLOT AND DESIGN	HUBLOT SA	No
TMK 03-00444	12/13/2016	08/28/2022	THE ROCK	WORLD WRESTLING FEDERATION ENTERTAINMENT, INC	No
TMK 03-00444	12/13/2016	08/28/2022	THE ROCK	WORLD WRESTLING FEDERATION ENTERTAINMENT, INC	No

CBP IPR RECORDATION — DECEMBER 2016

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 03-00452	12/13/2016	01/15/2024	THE ROCK	WORLD WRESTLING FEDERATION ENTERTAINMENT, INC.	No
TMK 03-00452	12/13/2016	01/15/2024	THE ROCK	WORLD WRESTLING FEDERATION ENTERTAINMENT, INC.	No
TMK 03-00542	12/02/2016	04/28/2023	ROYAL RUMBLE	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 03-00542	12/02/2016	04/28/2023	ROYAL RUMBLE	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 03-00543	12/13/2016	08/28/2022	THE ROCK	WORLD WRESTLING FEDERATION ENTERTAINMENT, INC.	No
TMK 03-00543	12/13/2016	08/28/2022	THE ROCK	WORLD WRESTLING FEDERATION ENTERTAINMENT, INC.	No
TMK 03-00546	12/02/2016	12/10/2022	ROYAL RUMBLE	Wrestling Entertainment, Inc.	No
TMK 03-00546	12/02/2016	12/10/2022	ROYAL RUMBLE	Wrestling Entertainment, Inc.	No
TMK 03-00566	12/07/2016	06/21/2025	SUMMERSLAM	Titan Sports, Inc.	No
TMK 03-00566	12/07/2016	06/21/2025	SUMMERSLAM	Titan Sports, Inc.	No
TMK 03-00567	12/13/2016	07/01/2023	SUMMERSLAM	World Wrestling Federation Entertainment, Inc.	No
TMK 03-00567	12/13/2016	07/01/2023	SUMMERSLAM	World Wrestling Federation Entertainment, Inc.	No
TMK 04-00483	12/02/2016	11/26/2023	WW and Design (New Scratch Logo)	World Wrestling Entertainment, Inc.	No
TMK 04-00483	12/02/2016	11/26/2023	WW and Design (New Scratch Logo)	World Wrestling Entertainment, Inc.	No
TMK 04-00486	12/02/2016	03/23/2024	WW and Design (New Scratch Logo)	World Wrestling Entertainment, Inc.	No
TMK 04-00486	12/02/2016	03/23/2024	WW and Design (New Scratch Logo)	World Wrestling Entertainment, Inc.	No
TMK 04-00490	12/13/2016	08/18/2023	UNDERTAKER	Titan Sports, Inc.	No
TMK 04-00490	12/13/2016	08/18/2023	UNDERTAKER	Titan Sports, Inc.	No
TMK 04-00493	12/02/2016	12/16/2023	WW and Design (New Scratch Logo)	World Wrestling Federation Entertainment, Inc.	No
TMK 04-00493	12/02/2016	12/16/2023	WW and Design (New Scratch Logo)	World Wrestling Federation Entertainment, Inc.	No

CBP IPR RECORDATION — DECEMBER 2016

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 04-00493	12/02/2016	12/16/2023	WW and Design (New Scratch Logo)	World Wrestling Federation Entertainment, Inc.	No
TMK 04-00497	12/02/2016	11/19/2023	WW and Design (New Scratch Logo)	World Wrestling Entertainment, Inc.	No
TMK 04-00497	12/02/2016	11/19/2023	WW and Design (New Scratch Logo)	World Wrestling Entertainment, Inc.	No
TMK 04-01126	12/02/2016	08/25/2024	WW and Design	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 04-01126	12/02/2016	08/25/2024	WW and Design	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 05-00596	12/09/2016	03/20/2025	CONVERSE	CONVERSE INC.	No
TMK 05-00596	12/09/2016	03/20/2025	CONVERSE	CONVERSE INC.	No
TMK 06-00476	12/06/2016	03/01/2026	M and Dolphin Logo design (Stylized)	Miami Dolphins, Ltd.	No
TMK 06-00476	12/06/2016	03/01/2026	M and Dolphin Logo design (Stylized)	Miami Dolphins, Ltd.	No
TMK 06-00832	12/02/2016	02/26/2021	MOPAR (Stylized)	FCA US LLC	No
TMK 06-00832	12/02/2016	02/26/2021	MOPAR (Stylized)	FCA US LLC	No
TMK 06-00837	12/02/2016	10/19/2025	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00837	12/02/2016	10/19/2025	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00838	12/02/2016	12/13/2025	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00838	12/02/2016	12/13/2025	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00840	12/02/2016	06/16/2024	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00840	12/02/2016	06/16/2024	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00842	12/02/2016	03/16/2024	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00842	12/02/2016	03/16/2024	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00847	12/02/2016	12/16/2023	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00847	12/02/2016	12/16/2023	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00848	12/02/2016	09/02/2018	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00848	12/02/2016	09/02/2018	DESIGN ONLY (VEHICLE GRILLE)	FCA US LLC	No
TMK 06-00849	12/02/2016	04/11/2026	DESIGN ONLY (Pentastar)	FCA US LLC	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00849	12/02/2016	04/11/2026	DESIGN ONLY (Pentastar)	FCA US LLC	No
TMK 06-00850	12/02/2016	12/02/2023	DESIGN ONLY (MODERN VIPER SNAKE HEAD LOGO)	FCA US LLC	No
TMK 06-00850	12/02/2016	12/02/2023	DESIGN ONLY (MODERN VIPER SNAKE HEAD LOGO)	FCA US LLC	No
TMK 06-00856	12/02/2016	09/13/2020	CHRYSLER and Design (CHRYSLER WINGED BADGE)	FCA US LLC	No
TMK 06-00856	12/02/2016	09/13/2020	CHRYSLER and Design (CHRYSLER WINGED BADGE)	FCA US LLC	No
TMK 06-01106	12/13/2016	01/29/2027	VACUTAINER	BECTON, DICKINSON & COMPANY	No
TMK 06-01106	12/13/2016	01/29/2027	VACUTAINER	BECTON, DICKINSON & COMPANY	No
TMK 07-00027	12/14/2016	12/26/2026	N°5	Chanel, Inc.	No
TMK 07-00027	12/14/2016	12/26/2026	N°5	Chanel, Inc.	No
TMK 07-00112	12/13/2016	04/07/2026	LONGINES and Design	COMPAGNIE DES MONTRES LONGINES, FRANCHILLON S.A.	No
TMK 07-00112	12/13/2016	04/07/2026	LONGINES and Design	COMPAGNIE DES MONTRES LONGINES, FRANCHILLON S.A.	No
TMK 07-00233	12/09/2016	04/02/2027	DESIGN ONLY	Eaton Corporation	No
TMK 07-00233	12/09/2016	04/02/2027	DESIGN ONLY	Eaton Corporation	No
TMK 07-00381	12/07/2016	03/19/2027	POWERBALL MINI	Mothers Polishes Waxes Cleaners	No
TMK 07-00381	12/07/2016	03/19/2027	POWERBALL MINI	Mothers Polishes Waxes Cleaners	No
TMK 07-00634	12/13/2016	01/17/2027	MSD 6ALN	MSD, LLC	No
TMK 07-00634	12/13/2016	01/17/2027	MSD 6ALN	MSD, LLC	No
TMK 07-00787	12/28/2016	11/06/2026	LOUIS VUITTON	Louis Vuitton Malletier	No
TMK 07-00787	12/28/2016	11/06/2026	LOUIS VUITTON	Louis Vuitton Malletier	No
TMK 07-00930	12/31/2016	01/14/2027	FABULOSO	COLGATE-PALMOLIVE COMPANY	No
TMK 07-00930	12/31/2016	01/14/2027	FABULOSO	COLGATE-PALMOLIVE COMPANY	No
TMK 07-01046	12/15/2016	12/19/2026	GEFORCE	NVIDIA Corporation	No

CBP IPR RECORDATION — DECEMBER 2016

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 07-01046	12/15/2016	12/19/2026	GEFORCE	NVIDIA Corporation	No
TMK 08-01228	12/09/2016	07/18/2026	BLACK MAGIC	HUBLOT SA	No
TMK 08-01228	12/09/2016	07/18/2026	BLACK MAGIC	HUBLOT SA	No
TMK 09-00006	12/09/2016	12/26/2026	BIG BANG	HUBLOT SA	No
TMK 09-00006	12/09/2016	12/26/2026	BIG BANG	HUBLOT SA	No
TMK 09-00109	12/05/2016	12/12/2026	R plus Design	Rockport Company, LLC	No
TMK 09-00109	12/05/2016	12/12/2026	R plus Design	Rockport Company, LLC	No
TMK 09-00265	12/05/2016	12/07/2026	ROMEO Y JULIETA	MAX ROHR, INC.	No
TMK 09-00265	12/05/2016	12/07/2026	ROMEO Y JULIETA	MAX ROHR, INC.	No
TMK 09-00473	12/29/2016	03/24/2027	HENRY CLAY	MAX ROHR, INC.	No
TMK 09-00473	12/29/2016	03/24/2027	HENRY CLAY	MAX ROHR, INC.	No
TMK 09-00886	12/09/2016	10/18/2026	MARVEL and Design(Red Box Logo)	Marvel Characters, Inc.	No
TMK 09-00886	12/09/2016	10/18/2026	MARVEL and Design(Red Box Logo)	Marvel Characters, Inc.	No
TMK 10-00168	12/13/2016	02/11/2019	SODA WITH A LOOP DESIGN	Fortune Dynamic Inc.	No
TMK 10-00168	12/13/2016	02/11/2019	SODA WITH A LOOP DESIGN	Fortune Dynamic Inc.	No
TMK 10-00620	12/13/2016	02/12/2027	T&S Logo	T & S Brass and Bronze Works, Inc.	No
TMK 10-00620	12/13/2016	02/12/2027	T&S Logo	T & S Brass and Bronze Works, Inc.	No
TMK 10-01195	12/31/2016	01/15/2027	TARZAN	Edgar Rice Burroughs, Inc.	No
TMK 10-01195	12/31/2016	01/15/2027	TARZAN	Edgar Rice Burroughs, Inc.	No
TMK 11-01465	12/05/2016	12/26/2026	NANOSTEEL	THE NANOSTEEL COMPANY, INC.	No
TMK 11-01465	12/05/2016	12/26/2026	NANOSTEEL	THE NANOSTEEL COMPANY, INC.	No
TMK 11-01486	12/30/2016	01/15/2027	VEGA REAL	COMPANIA TABACALERA SANTI-AGUENSE, S.A. CORPORATION DO-MINICAN REP	No
TMK 11-01486	12/30/2016	01/15/2027	VEGA REAL	COMPANIA TABACALERA SANTI-AGUENSE, S.A. CORPORATION DO-MINICAN REP	No
TMK 12-00409	12/30/2016	12/20/2025	POKE BALL Design (Pokemon Center)	NINTEENDO OF AMERICA INC.	No

CBP IPR RECORDATION — DECEMBER 2016

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 12-00409	12/30/2016	12/20/2025	POKE BALL Design (Pokemon Center)	NINTENDO OF AMERICA INC.	No
TMK 12-00425	12/05/2016	03/26/2027	Design of Hanging Car	Pacer Technology	No
TMK 12-00425	12/05/2016	03/26/2027	Design of Hanging Car	Pacer Technology	No
TMK 12-00797	12/05/2016	12/26/2026	NEVANAC	NOVARTIS AG	No
TMK 12-00797	12/05/2016	12/26/2026	NEVANAC	NOVARTIS AG	No
TMK 12-00807	12/30/2016	01/10/2027	F-117	Lockheed Martin Corporation	No
TMK 12-00807	12/30/2016	01/10/2027	F-117	Lockheed Martin Corporation	No
TMK 12-01390	12/29/2016	12/24/2026	TRI-LEAF DESIGN	Herbalife International, Inc.	No
TMK 12-01390	12/29/2016	12/24/2026	TRI-LEAF DESIGN	Herbalife International, Inc.	No
TMK 13-00038	12/06/2016	01/03/2027	PACIFIC GARDEN	Georgia-Pacific Consumer Products LP	No
TMK 13-00038	12/06/2016	01/03/2027	PACIFIC GARDEN	Georgia-Pacific Consumer Products LP	No
TMK 13-00216	12/16/2016	03/02/2026	ATROVENT	BOEHRINGER INGELHEIM INTERNATIONAL	No
TMK 13-00216	12/16/2016	03/02/2026	ATROVENT	BOEHRINGER INGELHEIM INTERNATIONAL	No
TMK 13-00381	12/13/2016	12/17/2026	Concorde and Design	Concorde Battery Corporation	No
TMK 13-00381	12/13/2016	12/17/2026	Concorde and Design	Concorde Battery Corporation	No
TMK 13-00406	12/15/2016	12/24/2026	STERLING	Sterling International, Inc.	No
TMK 13-00406	12/15/2016	12/24/2026	STERLING	Sterling International, Inc.	No
TMK 13-00834	12/30/2016	04/14/2027	PECORINO ROMANO	CONSORZIO PER LA TUTELA DEL FORMAGGIO PECORINO ROMANO CONSORTIUM ITALY	No
TMK 13-00834	12/30/2016	04/14/2027	PECORINO ROMANO	CONSORZIO PER LA TUTELA DEL FORMAGGIO PECORINO ROMANO CONSORTIUM ITALY	No
TMK 13-01037	12/15/2016	01/16/2027	RADIO FLYER	RADIO FLYER INC.	No
TMK 13-01037	12/15/2016	01/16/2027	RADIO FLYER	RADIO FLYER INC.	No
TMK 13-01277	12/13/2016	11/27/2026	PPL (Stylized)	NSK BEARINGS POLSKA SPOLKA AKCYJNA	No

CBP IPR RECORDATION — DECEMBER 2016

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01277	12/13/2016	11/27/2026	PPL (Stylized)	NSK BEARINGS POLSKA SPOLKA AKCYJNA	No
TMK 15-00503	12/13/2016	01/29/2027	ALA?A (stylized)	ALAI, AZZEDINE	No
TMK 15-00503	12/13/2016	01/29/2027	ALA?A (stylized)	ALAI, AZZEDINE	No
TMK 15-00565	12/09/2016	04/17/2026	AQUARACER	LVMH SWISS MANUFACTURES SA	No
TMK 15-00565	12/09/2016	04/17/2026	AQUARACER	LVMH SWISS MANUFACTURES SA	No
TMK 15-00736	12/15/2016	12/18/2026	PENDLETON	Pendleton Woolen Mills, Inc.	No
TMK 15-00736	12/15/2016	12/18/2026	PENDLETON	Pendleton Woolen Mills, Inc.	No
TMK 16-00128	12/09/2016	03/05/2027	SAN ANTONIO SPURS and Design	San Antonio Spurs, LLC	No
TMK 16-00128	12/09/2016	03/05/2027	SAN ANTONIO SPURS and Design	San Antonio Spurs, LLC	No
TMK 16-00613	12/30/2016	01/03/2027	FLIRT	BeautyBank Inc.	No
TMK 16-00613	12/30/2016	01/03/2027	FLIRT	BeautyBank Inc.	No
TMK 16-00801	12/29/2016	02/07/2027	TRUETIMBER	TRUE TIMBER OUTDOORS HOLDING COMPANY, LLC	No
TMK 16-00801	12/29/2016	02/07/2027	TRUETIMBER	TRUE TIMBER OUTDOORS HOLDING COMPANY, LLC	No
TMK 16-00918	12/13/2016	12/12/2026	CCI	VISTA OUTDOOR OPEATIONS LLC	No
TMK 16-00918	12/13/2016	12/12/2026	CCI	VISTA OUTDOOR OPEATIONS LLC	No
TMK 16-01376	12/01/2016	04/10/2026	WW (Stylized)	World Wrestling Entertainment, Inc.	No
TMK 16-01377	12/02/2016	10/22/2018	WW (Stylized)	World Wrestling Entertainment, Inc.	No
TMK 16-01378	12/02/2016	05/09/2020	NIGHT OF CHAMPIONS	World Wrestling Entertainment, Inc.	No
TMK 16-01379	12/02/2016	12/06/2025	NWO NEW WORLD ORDER	(REGISTRANT) WORLD WRESTLING ENTERTAINMENT INC. CORPORATION DELAWARE 1241 EAST MAIN ST STAMFORD CONNECTICUT 06902	No
TMK 16-01380	12/02/2016	10/12/2025	NWO NEW WORLD ORDER and Design	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 16-01381	12/02/2016	10/09/2023	DESIGN ONLY (SNAKE HEAD)	FCA US LLC	No
TMK 16-01382	12/02/2016	05/14/2026	RANDY ORTON	World Wrestling Entertainment, Inc.	No

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TMK 16-01383	12/02/2016	07/10/2022	RAW	World Wrestling Entertainment, Inc.	No
TMK 16-01384	12/02/2016	12/01/2025	RAW	World Wrestling Entertainment, Inc. CORPORATION	No
TMK 16-01385	12/02/2016	10/26/2021	ROYAL RUMBLE	World Wrestling Entertainment, Inc.	No
TMK 16-01386	12/02/2016	07/17/2017	SHAWN MICHAELS	World Wrestling Entertainment, Inc.	No
TMK 16-01387	12/02/2016	10/18/2025	CHYRSLER and Design	FCA US LLC	No
TMK 16-01388	12/02/2016	12/06/2025	TRIPLE H	World Wrestling Entertainment, Inc.	No
TMK 16-01389	12/02/2016	02/25/2019	COLAGE	Purdue Products L.P.	No
TMK 16-01390	12/02/2016	02/19/2018	PERI-COLAGE	Purdue Products L.P.	No
TMK 16-01391	12/02/2016	02/09/2024	BETA SEPT	Purdue Products L.P.	No
TMK 16-01392	12/02/2016	06/24/2025	AO AMERICAN ORTHODONTICS	American Orthodontics Corporation	No
TMK 16-01393	12/02/2016	10/14/2025	AO AMERICAN ORTHODONTICS (Stylized)	American Orthodontics Corporation	No
TMK 16-01394	12/02/2016	06/06/2020	GENELEC	GENELEC OY	No
TMK 16-01395	12/02/2016	01/30/2023	JULIUS K9	Julius-K9 Bt.	No
TMK 16-01396	12/02/2016	06/19/2023	HEART DESIGN WITH APOSTROPHE LETTER N	T-4 Corporation	No
TMK 16-01397	12/02/2016	02/06/2018	YOU CAN'T SEE ME	World Wrestling Entertainment, Inc.	No
TMK 16-01398	12/02/2016	02/09/2025	WORLD WRESTLING ENTERTAINMENT	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 16-01399	12/02/2016	03/08/2026	SHRINIVAS SUGANDHALAYA LLP (Stylized)	SHRINIVAS SUGANDHALAYA LLP.MR. NAGRAJ SATYAM SETTY ANDMRS. KALPANA NAGRAJ SETTY	No
TMK 16-01400	12/02/2016	01/11/2027	ADESSO	Anne-Catherine Given	No
TMK 16-01401	12/02/2016	09/04/2026	SPEEDFIT	JOHN GUEST INTERNATIONAL	No
TMK 16-01402	12/02/2016	09/18/2026	JG and Design (Stylized)	JOHN GUEST INTERNATIONAL	No
TMK 16-01403	12/02/2016	07/09/2023	VITABEARD	DO VITAMINS INC.	No
TMK 16-01404	12/02/2016	03/25/2024	SENOKOT	PURDUE PRODUCTS L.P.	No

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TMK 16-01405	12/02/2016	07/09/2023	PUREPUMP	DO VITAMINS INC.	No
TMK 16-01406	12/02/2016	03/15/2026	SHRINIVAS SUGANDHALAYA LLP logo plus Design	SHRINIVAS SUGANDHALAYA LLP MR. NAGRAJ SATYAM SETTY AND MRS. KALPANA NAGRAJ SETTY	No
TMK 16-01407	12/02/2016	02/24/2022	SENOKOTS	Purdue Products L.P.	No
TMK 16-01408	12/02/2016	10/10/2022	DO VITAMINS	DO VITAMINS INC.	No
TMK 16-01409	12/02/2016	09/02/2021	AMERICAN ORTHODONTICS	American Orthodontics Corporation	No
TMK 16-01410	12/02/2016	03/16/2021	SLOW-MAG	GLENFAIR PHARMACEUTICALS (PTY) LTD.	No
TMK 16-01411	12/05/2016	11/23/2026	DESIGN ONLY	RS TAICHI INC.	No
TMK 16-01412	12/05/2016	09/04/2026	JOHN GUEST	JOHN GUEST INTERNATIONAL LIMITED	No
TMK 16-01413	12/05/2016	04/12/2026	DESIGN ONLY (Packaging Design)	Spyderco, Inc.	No
TMK 16-01414	12/05/2016	10/28/2019	STONE COLD STEVE AUSTIN	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 16-01415	12/05/2016	07/08/2023	GRAND CHEROKEE	FCA US LLC	No
TMK 16-01416	12/05/2016	02/28/2026	ARLEN NESS	ARLEN NESS ENTERPRISES, INC.	No
TMK 16-01417	12/06/2016	01/18/2027	COLD MOUNTAIN plus Design (Stylized)	Miyako Oriental Foods, Inc.	No
TMK 16-01418	12/06/2016	02/01/2027	YAMA plus Design	Miyako Oriental Foods, Inc.	No
TMK 16-01419	12/06/2016	12/22/2019	STONE COLD	WORLD WRESTLING ENTERTAINMENT, INC.	No
TMK 16-01420	12/07/2016	02/25/2025	NEOJDX UPGRADE YOUR LIFE and Design	neojdx corporation	No
TMK 16-01421	12/07/2016	12/20/2026	PORTNSPORT	HILLS FOREST LLC	No
TMK 16-01422	12/07/2016	01/25/2027	YAMAJIRUSHI and DESIGN	Miyako Oriental Foods, Inc.	No
TMK 16-01423	12/07/2016	01/25/2027	YAMAJIRUSHI in Japanese Characters and DESIGN	Miyako Oriental Foods, Inc.	No
TMK 16-01424	12/08/2016	12/20/2026	LAC CLIPPERS and Design	LA Clippers LLC	No
TMK 16-01425	12/09/2016	10/16/2026	VESI	VESI INCORPORATED	No

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TMK 16-01426	12/09/2016	11/05/2024	MARVEL (Logo) plus Design	Marvel Characters, Inc.	No
TMK 16-01427	12/09/2016	06/08/2021	DOCTOR STRANGE	MARVEL CHARACTERS, INC.	No
TMK 16-01428	12/09/2016	10/29/2024	DEADPOOL	Marvel Characters, Inc.	No
TMK 16-01429	12/09/2016	10/29/2024	DEADPOOL	Marvel Characters, Inc.	No
TMK 16-01430	12/09/2016	11/26/2023	VESI Plus Design (Stylized)	VESI, INCORPORATED	No
TMK 16-01431	12/09/2016	11/27/2021	CONVERSE and Design	Converse, Inc.	No
TMK 16-01432	12/09/2016	02/22/2027	OOZY	International Arrivals, LLC	No
TMK 16-01433	12/09/2016	02/08/2027	TRIAD	Avanir Pharmaceuticals, Inc.	No
TMK 16-01434	12/09/2016	03/06/2027	TRIAD and Design	Avanir Pharmaceuticals, Inc.	No
TMK 16-01435	12/09/2016	03/08/2026	AL MARAAI and Arabic Characters (Design)	Greenland Trading Corp.	No
TMK 16-01436	12/09/2016	09/07/2025	DESIGN ONLY (AUTOMOBILE RACING CAR)	CARROLL HALL SHELBY TRUST M. NEIL CUMMINGS AND JOE CONWAY	No
TMK 16-01437	12/09/2016	11/26/2018	DESIGN ONLY (AUTOMOBILE)	M. NEIL CUMMINGS AND JOE CONWAY	No
TMK 16-01438	12/13/2016	07/10/2022	RW (Stylized)	Studio IP Holdings LLC	No
TMK 16-01439	12/13/2016	04/27/2025	EVERY DROP EVERY plus Design	Whirlpool Properties, Inc.	No
TMK 16-01440	12/13/2016	02/08/2018	KitchenAid (Stylized)	WHIRLPOOL PROPERTIES, INC.	No
TMK 16-01441	12/13/2016	01/04/2026	KITCHENAID	WHIRLPOOL PROPERTIES, INC.	No
TMK 16-01442	12/13/2016	01/29/2024	TERROR TOONS	Steven J. Escobar and Joe Castro	No
TMK 16-01443	12/13/2016	09/04/2023	Volvik (stylized)	Volvik, Inc.	No
TMK 16-01444	12/13/2016	07/07/2025	GUARDIANS OF THE GALAXY	Marvel Characters, Inc.	No
TMK 16-01445	12/13/2016	09/21/2026	GUARDIANS OF THE GALAXY	Marvel Characters, Inc.	No
TMK 16-01446	12/14/2016	01/22/2024	PS PARKER SMITH	California Coast Clothing, LLC	No
TMK 16-01447	12/14/2016	03/11/2018	CIRCOFLEX	Boehringer Ingelheim Vetmedica GmbH	No
TMK 16-01448	12/14/2016	03/08/2020	FAB FOURS and Design	Fab Fours, Inc.	No
TMK 16-01449	12/14/2016	03/08/2020	FF and Design	Fab Fours, Inc.	No

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TMK 16-01450	12/14/2016	01/04/2027	ROBERTS + ROGERS	Roberts' & Roger's LLC	No
TMK 16-01451	12/15/2016	10/21/2019	MARVELL	Marvell International Ltd.	No
TMK 16-01452	12/15/2016	10/21/2019	M and Design	Marvell International Ltd.	No
TMK 16-01453	12/15/2016	05/09/2020	BABY BANANA	LIVE-RIGHT, LLC	No
TMK 16-01454	12/15/2016	07/24/2017	NAUTICA	Nautica Apparel, Inc.	No
TMK 16-01455	12/15/2016	12/30/2023	Two Sail Design	Nautica Apparel, Inc.	No
TMK 16-01456	12/15/2016	08/22/2020	NAUTICA and DESIGN	NAUTICA APPAREL, INC.	No
TMK 16-01457	12/15/2016	09/07/2026	GRUMPER	Fab Fours Inc.	No
TMK 16-01458	12/15/2016	07/16/2023	SAESHIN and Design	Saeshin Precision Co., Ltd.	No
TMK 16-01459	12/15/2016	04/05/2026	NGIL	BnB Enterprise	No
TMK 16-01460	12/15/2016	11/26/2024	UNITY AIR	Satcom Direct, Inc.	No
TMK 16-01462	12/16/2016	03/08/2020	FAB FOURS	Fab Fours, Inc.	No
TMK 16-01463	12/16/2016	02/01/2027	Muscle Mac : Macaroni and Cheese (Stylized)	Quality Pasta Company	No
TMK 16-01464	12/16/2016	03/06/2027	HIFO	Hills Forest LLC	No
TMK 16-01465	12/16/2016	02/23/2021	OKC THUNDER plus Design	The Professional Basketball Club, LLC	No
TMK 16-01466	12/16/2016	01/15/2024	PRAXBIND	Boehringer Ingelheim International	No
TMK 16-01467	12/16/2016	03/15/2026	STITOLTO	Boehringer Ingelheim International GmbH	No
TMK 16-01468	12/16/2016	11/26/2024	SYNJARDY	Boehringer Ingelheim International GmbH	No
TMK 16-01469	12/16/2016	04/13/2018	TOWER LOGO	BOEHRINGER INGELHEIM PHARMA GMBH & CO. KG	No
TMK 16-01470	12/21/2016	09/02/2025	DUNHILL FIR	NATIONAL CHRISTMAS PRODUCTS, INC. DBA NATIONAL TREE COMPANY CORPORATION	No
TMK 16-01471	12/21/2016	01/27/2026	BAYBERRY	NATIONAL CHRISTMAS PRODUCTS, INC. DBA NATIONAL TREE COMPANY CORPORATION	No

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TMK 16-01472	12/21/2016	03/13/2027	VICOWL	Fab Fours Inc.	No
TMK 16-01473	12/21/2016	11/03/2026	AVERY	JAMES AVERY CRAFTSMAN, INC.	No
TMK 16-01474	12/21/2016	11/16/2025	PURE ADVANTAGE	ELECTROLUX HOME PRODUCTS, INC.	No
TMK 16-01475	12/21/2016	04/21/2023	PURESOURCE 2	ELECTROLUX HOME PRODUCTS, INC.	No
TMK 16-01476	12/21/2016	08/07/2022	SYMBICORT	AstraZeneca AB LIMITED LIABILITY COMPANY	No
TMK 16-01477	12/21/2016	07/15/2017	PURESOURCE	WHITE CONSOLIDATED INDUSTRIES, INC.	No
TMK 16-01478	12/21/2016	06/01/2021	PURESOURCE ULTRA	Electrolux Home Products, Inc.	No
TMK 16-01479	12/21/2016	07/08/2024	James Avery Craftsman, Inc. Candelabra with the initials JA	James Avery Craftsman, Inc.	No
TMK 16-01480	12/21/2016	05/04/2023	LEXAPRO	Forest Laboratories, Inc.	No
TMK 16-01481	12/21/2016	01/22/2024	BRINTELLIX	H. Lundbeck A/S Public Limited Company	No
TMK 16-01482	12/21/2016	12/16/2017	BOEHRINGER INGELHEIM	BOEHRINGER INGELHEIM INTERNATIONAL GMBH CORPORATION	No
TMK 16-01483	12/21/2016	11/16/2026	TRINTELLIX	H. Lundbeck A/S	No
TMK 16-01484	12/21/2016	04/20/2024	SWISS ARMY	WENGER S.A. CORPORATION	No
TMK 16-01485	12/22/2016	06/22/2018	KANIMI	SHINING OCEAN, INC.	No
TMK 16-01486	12/29/2016	01/11/2027	GREYHOUND plus Design	Ashley Craig Pet Products, Inc.	No
TMK 16-01487	12/29/2016	09/07/2026	WELLNESS SOX COMFORT FOR LIFE	Coast To Coast Apparel Group	No
TMK 16-01488	12/29/2016	11/26/2024	EMILIO PUCCI	EMILIO PUCCI INTERNATIONAL B.V.	No
TMK 16-01489	12/29/2016	03/20/2027	MILKYLAND QUALITY PRODUCT and DESIGN	Greenland Trading Corp.	No
TMK 16-01490	12/29/2016	03/20/2027	MILKYLAND	Greenland Trading Corporation	No
TMK 16-01491	12/30/2016	05/20/2021	VETMEDIN	Boehringer Ingelheim Vetmedica GmbH	No
TMK 16-01492	12/30/2016	01/04/2027	SUPER MARIO	Nintendo of America Inc.	No
TMK 16-01493	12/30/2016	01/09/2022	"Flare Design"	HUF WORLDWIDE LLC	No
TMK 16-01494	12/30/2016	12/04/2022	SPECIALIST	WD-40 Manufacturing Company	No

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TMK 16-01495	12/30/2016	01/09/2022	LAKAI	HUF WORLDWIDE LLC	No
TMK 16-01496	12/30/2016	11/16/2026	ANIMAL CROSSING	Nintendo of America Inc.	No
TMK 16-01497	12/30/2016	01/02/2023	SPECIALIST CAN DESIGN W/SHIELD & WD-40 (YELLOW, BLUE BLACK)	WD-40 Manufacturing Company	No
TMK 16-01498	12/30/2016	01/06/2026	HUAWEI and Flower Design	HUAWEI TECHNOLOGIES CO., LTD.	No
TMK 16-01499	12/30/2016	01/11/2027	SUPER MARIO	Nintendo of America Inc.	No
TMK 16-01500	12/30/2016	12/04/2022	CROSS-HAIR DESIGN MARK (Specialist Brand)	WD-40 Manufacturing Company	No
TMK 16-01501	12/30/2016	02/13/2023	DESIGN ONLY & COLORS: BLUE AND YELLOW	WD-40 Manufacturing Company	No
TMK 16-01502	12/30/2016	01/16/2023	WD-40 AND 3D CAN DESIGN (COLORS BLUE, YELLOW, RED)	WD-40 Manufacturing Company	No
TMK 16-01503	12/30/2016	09/02/2022	SPOT SHOT & DESIGN	Heartland Corporation	No
TMK 16-01504	12/30/2016	04/10/2027	SPOT SHOT	SIFERS CHEMICALS, INC.	No
TMK 16-01505	12/31/2016	11/30/2020	DESIGN ONLY: Decorative band pattern on flashlights	Mag Instrument, Inc.	No
TMK 16-01506	12/31/2016	11/24/2020	JESSIE STEELE	Jessie Steele, Inc.	No
TMK 98-01078	12/02/2016	03/09/2018	NWO	WCW, INC.	No
TMK 98-01078	12/02/2016	03/09/2018	NWO	WCW, INC.	No
TMK 99-00463	12/13/2016	01/08/2027	OLD NAVY	OLD NAVY (APPAREL), LLC	No
TMK 99-00463	12/13/2016	01/08/2027	OLD NAVY	OLD NAVY (APPAREL), LLC	No