



McBreen & Kopko

02/13/2017

Aviation Group Client Update

Shelley A. Ewalt, Partner | sewalt@mklawny.com | +1 703 399 6078

DEPARTMENT OF HOMELAND SECURITY (DHS) ISSUES FINAL RULE ON CIVIL MONETARY PENALTY ADJUSTMENTS FOR INFLATION.

On January 27, 2017, the DHS published a final rule on [Civil Monetary Penalty Adjustments for Inflation](#) which became effective immediately.

Purpose. 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.

Summary. Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) signed into law on November 2, 2015, all agencies must adjust civil monetary penalties annually and publish the adjustment in the Federal Register. This final rule adjusts DHS's civil monetary penalties under the 2015 Act and will be effective for penalties assessed after January 27, 2017 whose associated violations occurred after November 2, 2015.

There are several components for which DHS assesses civil penalties including the National Protection and Programs Directorate (NPPD) that assesses fines for violations of the Chemical Facility Anti-Terrorism Standards (CFATS); U.S. Customs and Border Protection (CBP) assessing civil monetary penalties for certain violations regarding the Immigration and Nationality Act of 1952; U.S. Immigration and Customs Enforcement (ICE) that assesses civil monetary penalties for certain employment-related violations arising from the INA; the Coast Guard, 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; and The Transportation Security Administration (TSA) which may impose penalties for violations of any statute that TSA administers, whether an implementing regulation or order imposes the penalty.

If you have any questions or would like further information, please contact Shelley Ewalt.

* * * * *

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.