

civil monetary penalty assessed or enforced by the Service by the cost-of-living adjustment as that term is defined by the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410. Any increase so determined was rounded to the nearest—

- (i) Multiples of \$10 in the case of penalties less than or equal to \$100;
- (ii) Multiples of \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000;
- (iii) Multiples of \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000;
- (iv) Multiples of \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000;
- (v) Multiples of \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; and
- (vi) Multiples of \$25,000 in the case of penalties greater than \$200,000.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, the initial adjustment for each penalty is capped at 10%.

(c) *Adjustment to penalties.* The civil monetary penalties provided by law within the jurisdiction of the Service, as set forth in this paragraph (c)(1) through (9), are adjusted in accordance with the inflation adjustment procedures prescribed in section 5 of the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, effective on or after the September 29, 1999 as follows:

(1) Section 231(d) of the Act, Lists of Aliens and Citizen Passengers Arriving or Departing; Record of Resident Aliens and Citizens Leaving Permanently for Foreign Country: from \$300 to \$330.

(2) Section 234 of the Act, Designation of Ports of Entry for Aliens Arriving by Civil Aircraft: from \$2,000 to \$2,200.

(3) Section 251(d) of the Act, List of Alien Crewmen; Reports of Illegal Landings: from \$200 to \$220 for each alien not reported in accordance with § 251; and from \$5,000 to \$5,500 for use of alien crewman for longshore work in violation of section 251(d).

(4) Section 254(a) of the Act, Control of Alien Crewman: from \$500 minimum/\$3,000 maximum to \$550 minimum/\$3,300 maximum.

(5) Section 255 of the Act, Employment on Passenger Vessels of Aliens Afflicted with Certain Disabilities: from \$1,000 to \$1,100.

(6) Section 256 of the Act, Discharge of Alien Crewman: from \$1,500 minimum/\$3,000 maximum to \$1,500 minimum/\$3,300 maximum.

(7) Section 257 of the Act, Bringing Alien Crewmen Into United States with Intent to Evade Immigration Laws: from a \$10,000 maximum to a \$11,000 maximum.

(8) Section 271(a) of the Act, Prevention of Unauthorized Landing of Aliens: from \$3,000 to \$3,300.

(9) Section 272(a) of the Act, Bringing in Aliens Subject to Exclusion on a Health-Related Ground: from \$3,000 to \$3,300.

(10) Section 273(b) of the Act, Unlawful Bringing of Aliens Into United States: from \$3,000 to \$3,300.

(d) *Identification of sections requiring no adjustment to penalties.* The civil monetary penalties provided by law within the jurisdiction of the Service, as set forth below in paragraphs (d)(1) through (7) of this section require no adjustment:

(1) Section 240B(d) of the Act, Voluntary Departure.

(2) Section 243(c)(1)(A) and (B) of the Act, Penalties Related to Removal.

(3) Section 274C(a)(5) and (a)(6) of the Act, Penalties for Document Fraud.

(4) Section 274D of the Act, Penalties for Failure to Depart.

(5) Section 275(b) of the Act, Entry of Alien at Improper Time or Place.

[64 FR 47102, Aug. 30, 1999]

PART 286—IMMIGRATION USER FEE

Sec.

286.1 Definitions.

286.2 Fee for arrival of passengers aboard commercial aircraft or commercial vessels.

286.3 Exceptions.

286.4 Fee collection responsibility.

286.5 Remittance and statement procedures.

286.6 Maintenance of records.

286.7 Penalties.

286.8 Establishment of pilot programs for the charging of a land border fee for inspection services.

286.9 Fee for processing applications and issuing documentation at land border Ports-of-Entry.

Department of Homeland Security

§ 286.2

AUTHORITY: 8 U.S.C. 1103, 1356; 8 CFR part 2.

SOURCE: 53 FR 5757, Feb. 26, 1988, unless otherwise noted.

§ 286.1 Definitions.

The following definitions apply to the following terms in this part:

(a) The term *adjacent islands* means Anguilla, Antigua, Aruba, Bahamas, Barbados, Barbuda, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Cuba, Curacao, Dominica, the Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Marie-Galante, Martinique, Miquelon, Montserrat, Saba, Saint Barthélemy, Saint Christopher, Saint Eustatius, Saint Kitts-Nevis, Saint Lucia, Saint Maarten, Saint Martin, Saint Pierre, Saint Vincent and Grenadines, Trinidad and Tobago, Turks and Caicos Islands, and other British, French and Netherlands territory or possessions bordering on the Caribbean Sea.

(b) The term *collector* means an air or sea carrier, travel agent, tour wholesaler, or other entity which collects, but may or may not be required to remit, fees pursuant to this part.

(c) The term *commercial aircraft* means any civilian aircraft being used to transport persons or property for compensation or hire.

(d) The term *commercial vessel* means any civilian vessel being used to transport persons or property for compensation or hire.

(e) The term *Assistant Commissioner, Office of Financial Management* means the Office of the Assistant Commissioner, Financial Management, Immigration and Naturalization Service, Room 6307, 425 I Street NW., Washington, DC 20536.

(f) The term *fee* means the immigration user fee.

(g) The term *port of entry* means a port or place designated by the Commissioner at which a person may apply for admission into the United States.

(h) The term *remitter* means an air or sea carrier, travel agent, tour wholesaler, or other entity which collects, including receipt of fees collected by collectors which are not required to remit fees, and remits fees pursuant to this part.

(i) The term *territories or possessions of the United States* means American Samoa, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway, the Northern Mariana Islands, Swains Island, Palmyra Island, and Wake Island.

(j) The term *document for transportation* means any document accepted by a carrier in return for transportation.

(k) The term *United States*, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

[53 FR 5757, Feb. 26, 1988, as amended at 59 FR 49349, Sept. 28, 1994; 63 FR 51272, Sept. 25, 1998]

§ 286.2 Fee for arrival of passengers aboard commercial aircraft or commercial vessels.

(a) A fee, in the amount prescribed in section 286(d) of the Act, per individual is charged and collected by the Commissioner for the immigration inspection of each passenger aboard a commercial aircraft or commercial vessel, arriving at a port-of-entry in the United States, or for the preinspection of a passenger in a place outside the United States prior to such arrival, except as provided in § 286.3.

(b) A fee, in the amount prescribed in section 286(e)(3) of the Act, per individual, is charged and collected by the Commissioner for the immigration inspection at a port-of-entry in the United States, or for the preinspection in a place outside the United States of each commercial vessel passenger whose journey originated in the United States, Canada, Mexico, territories or possessions of the United States, or adjacent islands, except as provided in § 286.3. All tickets or documents for transportation on voyages that are booked on or after February 27, 2003, will be subject to this immigration user fee.

(c) Each commercial aircraft and vessel carrier or ticket-selling agent whose monthly collections in any month exceed \$50,000 shall submit a summary statement showing the amount of user fees collected that month. The summary statement is due on the last business day of the following month. This information shall