

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart R—Sanctions

1. The authority citation for 7 CFR part 400, subpart R, is revised to read as follows:

Authority: 7 U.S.C. 1506(l).

2. Paragraph (a) of § 400.454 is revised to read as follows:

§ 400.454 Civil Penalties.

(a) Any person who willfully and intentionally provides any false or inaccurate information to FCIC or to any approved insurance provider reinsured by FCIC with respect to an insurance plan or policy issued under the authority of the Federal Crop Insurance Act, as amended, (7 U.S.C. 1501 et seq.) may be subject to a civil fine of up to \$10,000 for each violation and disqualification from participation in:

(1) The catastrophic risk protection plan of insurance for a period not to exceed two (2) years; or

(2) Any plan of insurance providing protection in excess of that provided under the catastrophic risk protection plan of insurance for a period not to exceed ten (10) years.

* * * * *

3. A new § 400.458 is added to read as follows:

§ 400.458 Scheme or device.

In addition to the penalties specified in this part, if a person has knowingly adopted a material scheme or device to obtain catastrophic risk protection, other plans of insurance coverage, or non-insured assistance benefits to which the person is not entitled, has evaded the Federal Crop Insurance Act, or has acted with the purpose of evading the Federal Crop Insurance Act, the person shall be ineligible to receive any and all benefits applicable to any crop year for which the scheme or device was adopted.

Done in Washington, D.C. on January 5, 1995.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 286

[INS No. 1350-93]

RIN 1115-AD06

INS Immigration User Fee Review

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of user fee account status.

SUMMARY: The Attorney General is required to submit a report to the Congress concerning the status of the Immigration User Fee Account (IUFA), and to recommend any adjustment in the prescribed fee. The report is to be submitted to the Congress following a public notice with opportunity for comment. This document publishes the status of the IUFA as of September 30, 1994, and presents the public the opportunity to comment and propose regulatory changes.

DATES: Written comments must be received on or before March 14, 1995.

ADDRESSES: Please submit written comments, in triplicate, to Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Room 5307, 425 I Street, NW., Washington, DC 20536-0002. To ensure proper handling, please reference INS No. 1350-93 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Michael Natchuras, Budget Analyst, Fee Analysis and Operations Branch, Office of Finance, Immigration and Naturalization Service, 425 I Street, NW., Room 6240, Washington, DC 20036-0002, telephone 202-616-2754.

SUPPLEMENTARY INFORMATION: Section 286(d) of the Immigration and Nationality Act (Act) directs the Attorney General to charge and collect a user fee from each individual arriving in the United States aboard a commercial aircraft or commercial vessel from foreign locations effective December 1, 1986. Individuals arriving from Mexico, Canada, and the adjacent islands by means other than commercial aircraft are exempt from the fee. The 1994 Appropriations Act for the Department of Justice, Public Law 103-121, changed the Immigration User Fee from \$5.00 to \$6.00 per passenger inspected. Fee collections are used to provide immigration inspection services for commercial aircraft and commercial vessels; detect fraudulent documents used by air and sea passengers travelling to the United States; detain and deport excludable aliens arriving on commercial aircraft and commercial vessels; expand and operate information systems for non-immigrant control and debt collection; and provide necessary support for operations to ensure that the objectives of the program are achieved. The 1994 Appropriations Act authorized the use of the IUFA to provide detention and deportation services for excludable aliens who have attempted to enter the United States illegally through avoidance of inspection at air and sea ports-of-entry, and to provide exclusion and asylum proceedings at air and sea ports-of-entry for excludable aliens arriving on commercial aircraft and vessels and for any excludable aliens who have attempted to enter the United States illegally through avoidance of inspection at air and sea ports-of-entry.

Section 286(h) of the Act requires the Attorney General to submit a bi-yearly report to the Congress concerning the status of the IUFA. Before the report is submitted, the Attorney General must present a summary of the account's status for review and public comment.

As of September 30, 1994, the status of the account is as follows:

| | Financial summary (\$000) | | |
|--|----------------------------|----------------------------|------------------------------|
| | Fiscal year 1993 actual | Fiscal year 1994 actual | Fiscal year 1995 estimate |
| Start of year balance | \$7,321 | \$27,460 | \$40,387 |
| Collections | 228,298 | 270,090 | 295,900 |
| Obligations | 211,094 | 264,530 | 321,600 |
| Recovery of prior year obligations | 2,935 | 7,367 | |
| End of year balance | 27,460 | 40,387 | 14,667 |

On February 15, 1994, INS published proposed changes in regulations (59 FR

7227) to amend 8 CFR 286 to comply with 1991 and 1994 Department of

Justice Appropriations Acts. In addition, the proposed rule included changes in