

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

HENRY MCMASTER, in his official capacity as  
Governor of the State of South Carolina, and  
SOUTH CAROLINA DEPARTMENT OF LABOR,  
LICENSING & REGULATION,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF LABOR;  
MARTIN J. WALSH, in his official capacity as  
Secretary of Labor; OCCUPATIONAL SAFETY  
AND HEALTH ADMINISTRATION; and DOUGLAS  
PARKER, in his official capacity as Assistant  
Secretary for Occupational Safety and Health,

*Defendants.*

Civil Action No.: 3:22-cv-02603-SAL

**Motion for Preliminary Injunction**

Under Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs Henry McMaster, in his official capacity as Governor of the State of South Carolina (“Governor McMaster”), and the South Carolina Department of Labor, Licensing & Regulation (“LLR”) move the Court for an Order preliminarily enjoining Defendants from:

1. Requiring the State Plan to impose or enforce civil penalties identical to the federal penalties provided in the Occupational Safety and Health Administration’s (“OSHA”) Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2022, 87 Fed. Reg. 2328 (Jan. 14, 2022) (“2022 Adjustment”) or to otherwise require the State Plan or LLR to enforce the 2022 Adjustment;
2. Requiring the State Plan to impose or enforce civil penalties identical to the federal penalties provided in any prior or future annual inflation adjustments, *see* Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2021, 86 Fed. Reg. 2964

(Jan. 14, 2021); Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2020, 85 Fed. Reg. 2292 (Jan. 15, 2020); Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2019, 84 Fed. Reg. 213 (Jan. 23, 2019); Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2018, 83 Fed. Reg. 7 (Jan. 2, 2018); Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2017, 82 Fed. Reg. 5373 (Jan. 18, 2017); Department of Labor Federal Civil Penalties Inflation Adjustment Act Catch-Up Adjustments, 81 Fed. Reg. 43,430 (July 1, 2016); and

3. Publishing in the Federal Register any proposal to reconsider or revoke OSHA’s final approval of South Carolina’s State Plan or otherwise taking any adverse action against the State Plan during the pendency of this action, whether based on the 2022 Adjustment, any other annual adjustments that OSHA has issued since 2016, or otherwise.<sup>1</sup>

### **INTRODUCTION**

When Congress enacted the Occupational Safety and Health Act of 1970, Pub. L. 91-596, 84 Stat. 1590 (Dec. 29, 1970) (“OSH Act”) to promote workplace safety, it gave the States two options. States could allow the federal government to regulate and enforce workplace safety standards in the State directly, or States could submit a state-specific plan (“state plan”) for the development and enforcement of state safety and health standards that are “at least as effective” as the federal standards, 29 U.S.C. § 667(c)(2). Like 25 other States, South Carolina chose the latter option and developed the South Carolina State Plan (“State Plan”), which LLR has successfully administered for more than four decades.

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<sup>1</sup> Under Local Civil Rule 7.04 (D.S.C.), a full explanation of the motion is provided in this document, and, accordingly, a separate supporting memorandum would serve no useful purpose.

Since 2015, Congress has required OSHA to adjust annually the federal civil penalties for violations of the OSH Act, and Congress has exempted these yearly changes from the Administrative Procedure Act’s notice-and-comment process. Congress has not, however, authorized OSHA to skip that notice-and-comment process and demand that state plans amend their penalties (or corresponding statutes) to mirror these annual federal adjustments. Nevertheless, OSHA is now demanding—without any statutory authority and without any notice-and-comment process—that the state plans increase state civil penalties to match the new federal ones. *See* 2022 Adjustment, 87 Fed. Reg. at 2331–32. According to OSHA, a State that fails to comply with OSHA’s mandate risks losing its approved state plan.

Whether OSHA can require the States with state plans to set specific amounts for their civil penalties is an open question. But it is not the question presented here, and the Court need not reach this broader issue for Plaintiffs to prevail. Instead, this case focuses on *how* OSHA has gone about demanding the States increase state civil penalties. Even assuming OSHA could compel a state plan (or a state legislature, as in the case of South Carolina, whose civil penalties are set by statute rather than regulation) to establish or alter specific state civil penalties without justification or explanation that doing so is necessary to have an effective plan, the 2022 Adjustment violates the Administrative Procedure Act in two ways, each of which is independently fatal to OSHA’s unlawful efforts to compel state action.

*First*, the 2022 Adjustment’s mandate that the States increase their civil penalties did not go through 5 U.S.C. § 553’s notice-and-comment process. Congress has exempted only changes to *federal* civil penalties from that process. Without a similar exemption from notice-and-comment rulemaking for *state* civil penalties, OSHA acted “without observance of procedure required by

law” in the 2022 Adjustments, and the 2022 Adjustment is “unlawful” and must be “set aside.” 5 U.S.C. § 706(2)(D).

*Second*, the 2022 Adjustment is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” in at least three ways. *Id.* § 706(2)(A). One, an agency must give an adequate explanation for its decision, yet OSHA did not provide any explanation in the 2022 Adjustment for why, or how, OSHA unilaterally determined that state civil penalties must match the federal ones for state plans to be “at least as effective” as the federal standards. Two, an agency must acknowledge and explain a change in position, but despite no federal law expressly requiring that state civil penalties match the federal ones and there being a distinction between state-plan penalties and OSHA penalties for more than 50 years, OSHA has provided no explanation for its shift to demanding that these penalties now match. Three, the 2022 Adjustment shows little regard for federalism, even though the Supreme Court has extolled the States as laboratories for policy solutions and Executive Order 13132 requires agencies to work with the States to avoid federal mandates whenever possible. Indeed, the 2022 Adjustment is nothing more than an agency overreach and attempt to exert power that Congress has not authorized.

Without an injunction, Plaintiffs will face irreparable harm, and inequity will ensue if OSHA is allowed to enforce the 2022 Adjustment against the State Plan. If OSHA were to succeed in its revocation of the State Plan, OSHA would take over the State Plan, significantly disrupting LLR’s services and injecting confusion and uncertainty for businesses and workers throughout South Carolina. *See* 29 C.F.R. § 1902.47 *et seq.* (establishing the procedure by which OSHA may revoke a state plan’s final approval and give OSHA concurrent jurisdiction in the State). To be sure, this threat is real: OSHA has already begun the process to revoke Arizona’s state plan based in part on Arizona’s refusal to have its civil penalties match the federal ones. *See* Arizona State

Plan for Occupational Health and Safety; Proposed Reconsideration and Revocation, 87 Fed. Reg. 23,783, 23,786–87 (Apr. 21, 2022) (“Arizona Notice”).

OSHA, on the other hand, faces no meaningful harm from a preliminary injunction. Although South Carolina and other state plans have not increased their state civil penalties to match federal civil penalties for over half a decade, OSHA has never—until now—thought this issue was serious enough to warrant action against the State Plan. But now, OSHA apparently believes it is, issuing a finding in its recent review of the State Plan that the failure to increase civil penalties makes the State Plan insufficient. Given the significance of this finding and the potential impacts associated with it, an injunction is necessary to preserve the status quo and to prevent OSHA from taking adverse action against the State Plan while this litigation unfolds.

## **BACKGROUND**

### **A. OSHA and state plans**

The OSH Act took effect in 1971, *see* § 34, 84 Stat. at 1620, and it required the Secretary of Labor to promulgate standards for safety and health in workplaces based on national-consensus or established-federal standards, *see* 29 U.S.C. § 655(a); *see also id.* § 652 (defining terms). To implement this congressional directive, the Secretary created OSHA, and to promote compliance, the OSH Act imposes federal civil (as well as criminal) penalties for violations of the promulgated standards. *See id.* § 666.

As an alternative to having employers in a State governed directly by these federal regulations, Congress gave States the option to create state plans. *See id.* § 667(b). The Secretary must approve a state plan if it meets certain criteria, including (importantly for this case) providing “for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and *the enforcement of which standards*) are or will be *at least*

*as effective* in providing safe and healthful employment and places of employment as the standards promulgated” by OSHA. *Id.* § 667(c)(2) (emphasis added); *see also* 29 C.F.R. § 29.1902.1 *et seq.* (providing criteria and procedure for approval of state plans). If the Secretary finds that, after approval, the administration of a state plan fails “to comply substantially with any provision” of that plan, then the Secretary may withdraw his approval of the plan. 29 U.S.C. § 667(f).

The Secretary gave South Carolina initial approval to operate the State Plan in 1972, *see* South Carolina Developmental Plan, 37 Fed. Reg. 25,932 (Dec. 6, 1972), before certifying the State Plan four years later, *see* South Carolina; Certification of Completion of Developmental Steps, 41 Fed. Reg. 32,424 (Aug. 3, 1976). South Carolina received final approval of the State Plan in 1987, becoming the first State ever to receive final approval. *See* South Carolina State Plan; Final Approval Determination, 52 Fed. Reg. 48,103 (Dec. 18, 1987); Farr Decl. ¶ 4 (attached as Exhibit 1). LLR has successfully administered and effectively enforced the State Plan for more than four decades. Farr Decl. ¶ 5.

#### **B. Federal civil penalties for violations of workplace safety and health standards**

The OSH Act established the original maximum amounts of federal civil penalties for violations. *See* OSH Act, § 17, 84 Stat. at 1606–07. Willful or repeated violations of federal standards could result in a fine of up to \$10,000 per violation. *Id.* § 17(a), 84 Stat. at 1606. Serious violations subjected parties to penalties of up to \$1,000 per violation. *Id.* § 17(b), 84 Stat. at 1606. Failing to comply with OSHA’s requirement to post certain information for employees about workplace safety and health also carried a penalty of up to \$1,000. *Id.* § 17(i), 84 Stat. at 1607.

Two decades later, Congress amended the federal penalty amounts in the Omnibus Reconciliation Act of 1990, Pub. L. 101-508, 104 Stat. 1388 (Jan. 23, 1990). Congress changed the \$10,000 cap on federal penalties for willful or repeated violations to \$70,000 and the cap on

other penalties (such as for serious violations and failure to post information) to \$7,000. *See id.* Title III, § 3101, 104 Stat. at 1388-29. These federal penalty provisions remain codified in the United States Code today. *See* 29 U.S.C. § 666.

To account for inflation, Congress enacted the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, 104 Stat. 890 (Oct. 5, 1990) (“1990 Federal Penalties Act”). The 1990 Federal Penalties Act required most federal agencies to adjust their civil penalties every five years to account for any intervening inflation, *see id.* § 4, 104 Stat. at 891, but OSHA was one of a few agencies that Congress later exempted from this requirement, *see* Debt Collection Improvement Act of 1996, § 31001(s)(1), Pub. L. 104-134, 110 Stat. 1321-358, 1321-373 (Apr. 26, 1996).

OSHA lost this exemption in the Bipartisan Budget Act of 2015, which included the Federal Civil Penalties Inflation Adjustment Act of 2015, Pub. L. 114-74, Title VII, 129 Stat. 584, 599 (Nov. 2, 2015) (“2015 Federal Penalties Act”). The 2015 Federal Penalties Act shortened the timeline for inflation adjustments from five years to one. *Id.* § 701(b)(1)(A), 129 Stat. at 599 (amending 28 U.S.C. § 2461 note). It also required a one-time adjustment to the federal civil penalties “through an interim final rulemaking” process.<sup>2</sup> *Id.* § 701(b)(1)(D), 129 Stat. at 599 (amending 28 U.S.C. § 2461 note). After that, the 2015 Federal Penalties Act requires OSHA to make annual adjustments to these federal penalties for inflation, and it exempts these adjustments from § 553’s notice-and-comment requirements. *Id.* § 701(b)(1)(D), 129 Stat. at 599 (amending 28 U.S.C. § 2461 note).

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<sup>2</sup> Unlike most rules, which are proposed, commented upon, revised, and only then published by a federal agency as a final rule, an interim final rule becomes effective immediately upon publication, without any prior comment period. Interim final rules are typically issued under one of § 553(b)’s exceptions for publishing proposed rules, *see* 5 U.S.C. § 553(b), or (as in this case) pursuant to a specific congressional directive.

Consistent with the 2015 Federal Penalties Act, OSHA issued inflation adjustments for federal civil penalties for 2022. Under the 2022 Adjustment, federal civil penalties are now capped at \$145,027 (up from \$70,000 in 2015) and \$14,502 (up from \$7,000 in 2015). *See* 2022 Adjustment, 87 Fed. Reg. at 2336.

**C. State civil penalties for violations of workplace safety and health standards**

Since the Secretary of Labor approved the State Plan, South Carolina law has included civil (and criminal) penalties for violations of state health and safety standards. Initially, the maximum civil penalties were \$1,000 and \$500. *See* 1971 S.C. Acts No. 379, § 13 (codified at S.C. Code § 40-273 (1962)). The South Carolina General Assembly increased those statutory caps to \$10,000 and \$1,000, depending on the type of violation. *See* 1973 S.C. Acts No. 311, § 1. After Congress raised the federal penalties by statute in 1990, the General Assembly similarly increased South Carolina’s caps on statutory civil penalties to \$70,000 and \$7,000 the following year. *See* 1991 S.C. Acts No. 25 (codified at S.C. Code Ann. § 41-15-320).

**D. OSHA demands increases to state civil penalties**

The 2022 Adjustment purports to direct that “State Plans are *required* to increase their penalties in alignment with OSHA’s penalty increases.” 2022 Adjustment, 87 Fed. Reg. at 2332 (emphasis added). Thus, the 2022 Adjustment purports to mandate that the State Plan (or really, the General Assembly) increase the State’s maximum civil penalties from \$70,000 and \$7,000 to \$145,027 and \$14,502 to be “at least as effective as Federal OSHA’s” penalties. *Id.* The 2022 Adjustment did not include a notice-and-comment period.

OSHA has conveyed that it intends to enforce the 2022 Adjustment. OSHA required state plans to indicate by March 15, 2022, whether the state civil penalties will be increased to match the federal ones and sought to compel state plans (or state legislatures) to adopt those increased

state penalties by July 15, 2022. South Carolina officials informed OSHA that any change to the State’s statutory civil penalty structure could be made only through the legislative process. Farr Decl. ¶ 6. The General Assembly did not pass legislation to alter the State’s civil penalties during the 2022 legislative session. Farr Decl. ¶ 6.

After the General Assembly adjourned its regular session, OSHA issued its FY 2021 Federal Annual Monitoring Evaluation Report for South Carolina (“2021 FAME Report”), which provides that state plans “were required to adopt the initial maximum penalty level increase and the subsequent annual increases.” 2021 FAME Report, at 18 (attached as Exhibit 2) The 2021 FAME Report includes a finding that the “State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases.” *Id.*

Findings in a FAME Report are significant because they are “limited to those issues that warrant corrective action by the State Plan to ensure it is [at least as effective]” as the federal standards. OSHA, *State Plan Policies and Procedures Manual* 74 (May 6, 2020), <https://tinyurl.com/2p93wtfv>. A finding is the first step OSHA takes if it intends to revoke a state plan’s final approval. *See* 29 C.F.R. § 1902.47 *et seq.*; *see also, e.g.*, Arizona Notice, 87 Fed. Reg. 23,783. Revoking final approval would lead to concurrent jurisdiction between the State and OSHA such that OSHA could take over enforcement of workplace health and safety standards, displace LLR, and inject uncertainty and confusion into South Carolina’s longstanding regulatory scheme.

### **LEGAL STANDARD**

“The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981). A preliminary injunction should be granted whenever a plaintiff satisfies four elements:

(1) likelihood of success on the merits, (2) irreparable harm, (3) the balance of the hardship tips in his favor, and (4) an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Granting preliminary injunctive relief “is an exercise of discretion and judgment, often dependent as much on the equities of a given case as the substance of the legal issues it presents.” *Roe v. Dep’t of Def.*, 947 F.3d 207, 231 (4th Cir. 2020). Accordingly, “it is well established that a federal district court has wide discretion to fashion appropriate injunctive relief in a particular case.” *Id.*

## **ARGUMENT**

### **I. Plaintiffs are likely to prevail on the merits.**

The 2022 Adjustment suffers from two independent flaws, each of which is fatal to OSHA’s effort to enforce it against the State Plan. As an initial matter, Congress granted OSHA the authority to increase federal civil penalties without following the Administrative Procedure Act’s notice-and-comment process, but Congress did not grant OSHA the similar authority to force state plans to increase their civil penalties without following that well-known administrative process. In other words, Congress did not grant OSHA any authority to “push down” federal penalty increases on state plans and force the States to increase their civil penalties without following the normal rulemaking process. Yet OSHA has attempted to do just that in the 2022 Adjustment, mandating that state plans (or state legislatures) increase state civil penalties to match the federal ones without putting that requirement through the appropriate notice-and-comment process.

Moreover, OSHA’s decision in the 2022 Adjustment to require state plans to have civil penalties that are identical to the federal ones is arbitrary, capricious, and an abuse of discretion because OSHA did not explain or justify (1) its unlawful decision that the state penalties must

match the federal penalties for the state penalties to be at least as effective as the OSH Act at promoting safe workplaces, (2) its change in position from the OSH Act and existing regulations, or (3) its disregard for federalism.

**A. The 2022 Adjustment’s requirement to increase state civil penalties did not go through § 553’s notice-and-comment process, which makes it unlawful on its face.**

**1. The 2022 Adjustment’s mandate on state civil penalties was not exempt from § 553.**

Unless Congress provides otherwise, all agency rulemaking must go through the notice-and-comment process. *See* 5 U.S.C. § 553 (establishing procedures for agency rulemaking that require an agency to give the public notice about and the opportunity to comment on proposed rules). In the 2015 Federal Penalties Act, Congress gave OSHA the authority to increase *federal* civil penalties without going through § 553’s notice-and-comment process. *See* 2015 Federal Penalties Act, § 701(b)(1)(D), 129 Stat. at 599.

Congress did not, however, give OSHA the authority to demand that state plans increase *state* civil penalties annually without going through any notice-and-comment requirements. Nothing in the 2015 Federal Penalties Act itself even mentions, much less discusses, state civil penalties. Treating the 2015 Federal Penalties Act as having anything to do with state penalties “would effectively have to read words into the statute.” *HollyFrontier Cheyenne Ref., LLC v. Renewable Fuels Ass’n*, 141 S. Ct. 2172, 2179 n.1 (2021).

Getting further into the proverbial statutory weeds, the 2015 Federal Penalties Act merely amended parts of the 1990 Federal Penalties Act. *See* 2015 Federal Penalties Act, § 701, 129 Stat. at 599–600 (amending parts of sections 4, 5 and 6 of the 1990 Federal Civil Penalties Act). The 2015 Federal Penalties Act did *not* amend section 3 of the 1990 Federal Civil Penalties Act. That is critical because section 3 limits increases only to “civil monetary penalties” as defined by section

3. Civil monetary penalties are those “assessed or enforced by an agency pursuant to Federal law.” 1990 Federal Civil Penalties Act, § 3(2)(B), 104 Stat. at 890. An “agency” is defined as “an Executive agency as defined under section 105 under title 5, U.S. Code,” *id.* § 3(1), 104 Stat. at 890, which in turns defines an “Executive agency” as an “Executive department, a Government corporation, and an independent establishment,” 5 U.S.C. § 105. LLR (like any state agency) does not fall within this definition, so the 2015 Federal Civil Penalties Act cannot be used to increase civil penalties imposed under South Carolina law.

Moreover, civil monetary penalties under section 3 include only penalty, fine, or sanction that “has a maximum amount provided for by Federal law.” § 3(2)(A)(ii), 104 Stat. at 890. (Note that section 3 uses the conjunctive “and” between subparts (A), (B), and (C), so a “civil monetary penalty” covered by both the 1990 and 2015 Federal Penalties Acts must meet all three subparts. *See United States v. Palomar-Santiago*, 141 S. Ct. 1615, 1620–21 (2021) (“The requirements are connected by the conjunctive ‘and,’ meaning defendants must meet all three.”).) The 1990 Federal Civil Penalties Act required the President to prepare a report to Congress that included “each civil monetary penalty as defined under section 3(2).” § 4(1), 104 Stat. at 891. President George H.W. Bush delegated this task to the Office of Management and Budget (“OMB”). *See Memorandum of May 3, 1991: Reports Required by Sections 4 and 6 of the Federal Civil Penalties Inflation Adjustment Act of 1991*, 56 Fed. Reg. 21,911 (May 10, 1991). OMB issued its report in July 1991. That report included only six civil penalties from OSHA, each of which was found in 29 U.S.C. § 666. *See Office of Management and Budget, Civil Monetary Penalty Assessments and Collections: 1990 Report to Congress and Civil Monetary Penalty Inflation Adjustment Report Ex. 1: Civil Monetary Penalty Authorities Identified by Federal Agencies*, at 17–18 (Washington,

D.C. July 1991) (attached as Exhibit 3).<sup>3</sup> Those penalties, of course, apply to violations of federal OSHA provisions, not of state plans or state law, as they are payable to the Secretary, recoverable in an action brought in the name of the United States, and to be deposited in the Treasury of the United States. *See* 29 U.S.C. § 666(l). Thus, the federal government thought from the outset that a penalty, fine, or sanction that “has a maximum amount provided for by Federal law” did not include state civil penalties. OSHA should not be able to redefine section 3(2)(A)(ii) now to reach a different (and for it, more favorable here) result.<sup>4</sup>

And if somehow this statutory text were not enough, the title of the 2015 Federal Penalties Act (like the 1990 Federal Penalties Act) leaves no doubt that it addresses federal—not state—penalties. It is, after all, the *Federal Civil Penalties Inflation Adjustment Act of 2015*. *See Yates v. United States*, 574 U.S. 528, 539–40 (2015) (confirming a statute’s meaning based on its title). If Congress had wanted to give OSHA the authority to require state plans to adjust state civil penalties annually without going through notice-and-comment rulemaking, then Congress “knows how to” grant that authority that it “omitted” from the 2015 Federal Penalties Act. *Rotkiske v. Klemm*, 140 S. Ct. 355, 361 (2019).

Despite lacking any statutory authority, OSHA published the 2022 Adjustment as a “Final Rule” and, without any notice-and-comment process, “required” state plans to increase their

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<sup>3</sup> Thus far, Plaintiffs have only been able to locate a copy of this report that was part of a Joint Appendix in a recent appeal in the Second Circuit, which explains the other ECF header and “JA” page numbers.

<sup>4</sup> OSHA does not appear to have based its supposed authority over state civil penalties on the Omnibus Reconciliation Act of 1990, and for good reason. That act’s plain text does not give OSHA any authority over state civil penalties. That act expressly changed only the caps in the OSH Act, and it said nothing about any state civil penalties. Congress changed the \$10,000 cap on federal penalties for willful or repeated violations to \$70,000 and the cap on other penalties (such as for serious violations and failure to post information) to \$7,000. *See* Pub. L. 101-508, Title III, § 3101, 104 Stat. at 1388-29.

penalties. 87 Fed. Reg. at 2328, 2332. OSHA therefore violated the Administrative Procedure Act. *See* 5 U.S.C. § 553.

For this reason alone, the 2022 Adjustment’s requirement that state civil penalties match federal civil penalties cannot stand. *See* 5 U.S.C. § 706(2)(D) (a reviewing court “shall” “hold unlawful and set aside agency action” that was taken “without observance of procedure required by law”); *see also Bedford Cnty. Mem’l Hosp. v. Health & Hum. Servs.*, 769 F.2d 1017, 1021–22 (4th Cir. 1985) (“we find the Secretary’s rule to be invalid for failure to adhere to the statement of basis and purpose requirement of the APA” (citing 5 U.S.C. § 706(2)(D)); *Florida v. HHS*, 19 F.4th 1271, 1286 (11th Cir. 2021) (“Under the APA, a court must hold unlawful and set aside agency action . . . without observance of procedure required by law. . . . The procedures required by law under the APA generally include that an agency must afford interested persons notice of proposed rulemaking and an opportunity to comment before a substantive rule is promulgated.” (internal quotations omitted)); *Louisiana v. Biden*, No. 2:21-CV-778, 2021 WL 4312502, at \*11 (W.D. La. Aug. 23, 2021) (“agency action must be set aside if promulgated ‘without observance of procedure required by law’” (quoting 5 U.S.C. § 706(2)(D)), *report and recommendation adopted*, No. 2:21-CV-0778, 2021 WL 4314795 (W.D. La. Sept. 22, 2021); *Ass’n of Cmty. Cancer Ctrs. v. Azar*, 509 F. Supp. 3d 482, 503 (D. Md. 2020) (“[W]ithout notice and comment procedure . . . a reviewing court shall ‘hold unlawful and set aside’ agency action found to be ‘not in accordance with law.’” (quoting *Earth Island Inst. v. Ruthenbeck*, 490 F.3d 687, 699 (9th Cir. 2007))); *Guilford Coll. v. Wolf*, No. 1:18-CV-891, 2020 WL 586672, at \*7 (M.D.N.C. Feb. 6, 2020) (an agency “failed to abide by APA procedure,” so the court must “set [its rule] aside” under § 706(2)).

**2. No other regulation justifies the 2022 Adjustment’s requirement to increase state civil penalties.**

The 2022 Adjustment cites two regulations as the sources of authority for OSHA’s attempt to require plans increase their civil penalties: 29 C.F.R. § 1902.4(c)(2)(xi) and § 1902.37(b)(12). *See* 87 Fed. Reg. at 2332. Neither regulation supports the 2022 Adjustment’s mandate.

**i. Section 1902.4(c)(2)(xi) does not support OSHA’s requirement to increase state civil penalties.**

Section 1902.4(c)(2)(xi) does not justify the 2022 Adjustment for two independent reasons.

*First*, the plain language of this section does not support OSHA’s mandate. This section requires that state plans have “effective sanctions against employers who violate State standards and orders, *such as* those set forth in the Act, and in 29 C.F.R. 1903.15(d).” 29 C.F.R. § 1902.4(c)(2)(xi) (emphasis added).

At the outset, two points must be made about this regulation. First, South Carolina’s civil penalties comport with this provision because the State’s civil penalties match the OSH Act. *Compare* S.C. Code Ann. § 41-15-320, *with* 29 U.S.C. § 666. Second, it is impossible for any state plan to have penalties that match both the OSH Act and § 1903.15(d) because those provisions provide for penalty amounts.

Getting further into the text of § 1902.4(c)(2)(xi), this provision does not require that the sanctions be “equal” or “identical” to those set by OSHA. Instead, it requires merely that the sanctions be “effective.” By using “such as,” § 1902.4(c)(2)(xi) provides a “nonexclusive” list of what effective sanctions might be. *Stewart v. Abend*, 495 U.S. 207, 236–37 (1990); *accord Bragdon v. Abbott*, 524 U.S. 624, 639 (1998) (discussing ADA regulations in 45 C.F.R. § 84.3(j)(2)(ii): “As the use of the term ‘such as’ confirms, the list is illustrative, not exhaustive.”); *United States v. Walker*, No. 2:18-CR-37-FL-1, 2019 WL 4412909, at \*5 (E.D.N.C. Sept. 13,

2019) (explaining that the list of proceedings in Federal Rule of Evidence 1101(d)(3) that is introduced by “such as” is “not an exhaustive list”); *NISH v. Cohen*, 95 F. Supp. 2d 497, 504 (E.D. Va. 2000) (noting that a list in the Federal Acquisition Regulations found in “48 C.F.R. § 6.302–5(b) is not exhaustive through its use of the term ‘such as the following under’”); *see also* II *Compact Edition of the Oxford English Dictionary* 3137 (1971) (“such as” is “used to introduce examples of a class”). Section 1902.4(c)(2)(xi) therefore recognizes that there may be other (nonidentical) state penalties that also would be as effective at promoting safe workplaces as federal sanctions. When a “regulation itself is unambiguous” as § 1902.4(c)(2)(xi) is, that “plain language controls.” *Romero v. Barr*, 937 F.3d 282, 291 (4th Cir. 2019). OSHA cannot contort that language to reach a different result than the language compels.

*Second*, even if § 1902.4(c)(2)(xi)’s language were not plain, OSHA’s 2016 amendment to that provision is invalid. Section 1902.4(c)(2)(xi) was amended in 2016 to add the cross-reference to § 1903.15(d) (this regulation provides the amount of adjusted federal civil penalties). Since 2016, OSHA has used amended § 1902.4(c)(2)(xi) to demand that state plans annually update their civil penalties to match the federal ones. *See, e.g.*, Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2017, 82 Fed. Reg. at 5378.

OSHA, however, did not have the authority under the 2015 Federal Penalties Act to amend § 1902.4(c)(2)(xi) to add the cross-reference to § 1903.15(d). *See* Department of Labor Federal Civil Penalties Inflation Adjustment Act CatF1903ch-Up Adjustments, 81 Fed. Reg. at 43,431 (basing the amendment to § 1902.4(c)(2)(xi) on the 2015 Federal Penalties Act). As discussed already, *see supra* Part I.A.1., the 2015 Federal Penalties Act said nothing about changing state civil penalties or making other amendments to regulations through an interim final rule. Instead, the 2015 Federal Penalties Act merely required that OSHA “adjust civil monetary penalties

through an interim final rulemaking” to make the one-time catch-up for federal penalties. 2015 Federal Penalties Act, § 701(b)(1)(D), 129 Stat. at 599.

In the 2016 interim final rule, OSHA implicitly admitted just how narrow the scope of the 2015 Federal Penalties Act’s exemption from notice-and-comment requirements was. OSHA acknowledged that the 2015 Federal Penalties Act required OSHA “to publish an initial ‘catch-up adjustment’ through an interim final rule” and that good cause existed for an interim final rule because 2015 Federal Penalties Act “provides a clear formula for adjustment of the civil penalties, leaving little room for discretion.” 81 Fed. Reg. at 43,430–31.

The amendment to § 1902.4(c)(2)(xi) does not fall within what OSHA acknowledged Congress exempted from notice-and-comment in the 2015 Federal Penalties Act. Amending a regulation to add a new substantive provision applicable to state plans is not simple arithmetic that uses a “clear formula” to update numbers.

Nor does 5 U.S.C. § 553(b)(3)(B) permit what OSHA did. Although OSHA claimed this “type of ‘pointer’ reference” or “technical amendment[.]” does not need notice and comment, *see* 82 Fed. Reg. at 5376, that argument ignores that what the 2016 amendment did was add another example of an effective sanction. That is a substantive change. If, as OSHA claims, the 2016 amendment was merely identifying “only the location of the new maximum and minimum penalty levels,” *id.*, then there was no reason for OSHA to have left the reference to the OSH Act in § 1902.4(c)(2)(xi). But OSHA left the reference to the OSH Act in this regulation. Moreover, the 2016 amendment cannot be a “technical” change merely to “point” to a new location for federal civil penalties that state plans must match because § 1902.4(c)(2)(xi) continues to use “such as,” meaning that penalties in § 1903.15(d) are just an example. Surely OSHA could not have removed “such as” from § 1902.4(c)(2)(xi) without notice and comment.

Any amendment to § 1902.4(c)(2)(xi) therefore had to have been accomplished through the regular notice-and-comment process, but it was not.

**ii. Section 1902.37(b)(12) does not mandate the maximum penalty amounts for a plan to be effective.**

OSHA also cites § 1902.37(b)(12) in the 2022 Adjustment to try to require state plans to adopt federal penalty levels. This subsection provides one of the considerations the Secretary must take into account in deciding whether to approve a state plan. It requires that a state plan must include “penalties in a manner at least as effective as under the Federal program, including the proposing of penalties for first instance violations and the consideration of factors comparable to those required to be considered under the Federal program.” 29 C.F.R. § 1902.37(b)(12). This requirement is nothing more than what the OSH Act mandates: that state plans be “at least as effective” as the federal standards. 29 U.S.C. § 667(c)(2). And it has existed in this exact form for almost 50 years. *See* Procedures for Determinations under Section 18(e) of the Occupational Safety and Health Act of 1970, 40 Fed. Reg. 54,780, 54,784 (Nov. 26, 1975). It does not mandate that the maximum amount of state civil penalties be identical to federal ones. Rather, state civil penalties simply must be as effective as the federal civil penalties. South Carolina’s State Plan is unquestionably as effective as the federal OSHA safety program. *See infra* Part I.B.1.

\* \* \*

In sum, nothing in the 2015 Federal Penalties Act permits OSHA to impose rules for state civil penalties without going through § 553’s notice-and-comment process. Because OSHA failed to do so, Plaintiffs are likely to prevail on the merits because the 2022 Adjustment unlawfully mandates changes to state civil penalties.

**B. The 2022 Adjustment’s requirement that state civil penalties at least match the federal ones is arbitrary, capricious, and an abuse of discretion.**

Agency action cannot survive if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). The 2022 Adjustment fails this standard in at least three ways. First, it never explains why state civil penalties must be identical to the federal ones for a state plan to be effective. Second, it does not recognize or justify OSHA’s shift to requiring that state civil penalties match the federal ones. And third, it gives short shrift to the federalism concerns that the 2022 Adjustment creates, in violation of Executive Order 13132.

**1. The 2022 Adjustment makes no attempt to explain its requirement for state civil penalties.**

“One of the basic procedural requirements of administrative rulemaking is that an agency must give adequate reasons for its decisions.” *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016). Thus, an “agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

The 2022 Adjustment fails to satisfy this elementary principle. Indeed, there is *no* explanation in the 2022 Adjustment for OSHA’s decision that state plans “are required to increase their penalties in alignment with OSHA’s penalty increases to maintain at least as effective penalty levels.” 87 Fed. Reg. at 2332. The 2022 Adjustment therefore fails to satisfy one of the most basic rules of administrative law.

Moreover, nothing from previous years helps OSHA justify this requirement because previous annual adjustments since the 2015 Federal Penalties Act are equally devoid of such explanations. *See, e.g.*, Department of Labor Federal Civil Penalties Inflation Adjustment Act

Annual Adjustments for 2018, 83 Fed. Reg. at 9. Even the 2016 regulation that amended § 1902.4(c)(2)(xi) included no explanation of why state civil penalties “must” match the federal civil penalties to be “as effective” in keeping workplaces safe. 81 Fed. Reg. at 43,439.

Similarly, nothing in the OSH Act requires state plans to increase their civil penalties to match federal penalty increases imposed on federal agencies. *See* 29 U.S.C. § 667. All the OSH Act requires is that state plans be “at least as effective in providing safe and healthful employment and places of employment as the standards promulgated” by OSHA. 29 U.S.C. § 667(c)(2). Congress recognized that a state plan could be “at least as effective as” OSHA’s workplace regulations in promoting a “safe and healthful employment and places of employment” even if the maximum penalties were different. *Id.* If Congress thought otherwise, Congress would have expressly required state civil penalties to be identical to the federal standards.

Nor does anything in the Code of Federal Regulations require identical federal and state penalties. Shortly after the OSH Act was enacted, OSHA promulgated a regulation to govern the development of state plans. *See* State Plans for the Development and Enforcement of State Standards, 36 Fed. Reg. 20,751 (Oct. 29, 1971) (“1971 Regulation”). The 1971 Regulation included a section on “indices of effectiveness” to determine whether a state plan complied with § 667(c)(2)’s requirement of being at least as effective as federal standards. *Id.* at 20,753–54. One of those indices was whether the state plan “[p]rovides *effective* sanctions against employers who violate State standards and orders, *such as* those provided in the Act.” *Id.* at 20,754 (emphasis added) (codified at 29 C.F.R. § 1902.4(c)(2)(xi)). Notably, the plain language in the regulation—“effective,” as opposed to, for instance, “identical”—did not require that state sanctions mirror the federal sanctions established in the OSH Act. Rather, the 1971 Regulation specifically required only that state sanctions be “effective” and referenced the OSH Act’s federal penalties as an

example of effective sanctions. *See id.*; *see also Bragdon*, 524 U.S. at 639; *Stewart*, 495 U.S. at 236–37. Even after the unlawful amendment of § 1902.4(c)(2)(xi) in 2016, *see supra* Part I.A.2.i., that regulation kept the requirement that state civil penalties simply be “effective.” In other words, the regulation simply requires that penalties “attend with result” to make workplaces safe and healthy. I *Compact Edition of the Oxford English Dictionary* 835 (1971) (defining “effective”).

The quintessential question for effectiveness therefore is not the amount of the penalty, but whether the State Plan’s standards and enforcement result in workplace safety and health, as compared to workplaces governed by the Secretary’s standards and enforcement. If so, then the civil penalties in the State Plan are doing their job and are at least as effective as the federal standards and enforcement, so the State Plan satisfies the requirements of the OSH Act and the accompanying regulations.

It cannot seriously be disputed that the State Plan is at least as effective as the federal standards in protecting workers, irrespective of the maximum penalty amounts. This is shown, for example, in data from the Bureau of Labor Statistics. For six consecutive years, South Carolina has had fewer instances of workplace injuries and illness than the national average:

*Employer-Reported Workplace Injuries and Illnesses*  
(per 100 full-time workers, all sectors)

<u>Year</u>	<u>South Carolina</u>	<u>Federal</u>
2015	2.9	3.0
2016	2.8	2.9
2017	2.5	2.8
2018	2.4	2.8
2019	2.4	2.8
2020	2.1	2.7

Farr Decl. ¶ 7 (data from Bureau of Labor Statistics). South Carolina’s State Plan continues to ensure safe workplaces for South Carolinians, even without having maximum penalties that are identical to the federal ones.

**2. The 2022 Adjustment makes no attempt to explain the change that this requirement makes.**

For over half a century, there has been no provision of federal law expressly requiring that state civil penalties must be identical to federal civil penalties. Like the annual adjustment for the five years preceding it, the 2022 Adjustment fails to “display awareness that [OSHA] is changing position” or to “provide a reasoned explanation for the change” from the text of the OSH Act and OSHA’s own regulations.<sup>5</sup> *Encino Motorcars*, 579 U.S. at 221.

Further, OSHA cannot avoid the 2022 Adjustment’s change in position by trying to characterize the 2022 Adjustment as an interpretation of § 1902.4(c)(2)(xi). *See Auer v. Robbins*, 519 U.S. 452, 461 (1997) (giving deference to an agency’s interpretation of its own regulation). *Auer* deference is appropriate only when “the regulation is genuinely ambiguous,” after applying “traditional tools of statutory construction.” *Kisor v. Wilkie*, 139 S. Ct. 2400, 2415 (2019) (internal quotation mark omitted). But nothing about § 1902.4(c)(2)(xi) is ambiguous. Its use of “such as” leaves no doubt that the OSH Act and § 1903.15(d) are merely examples of effective penalties; they are not the *only* effective penalties. *See, e.g., Bragdon*, 524 U.S. at 639; *Stewart*, 495 U.S. at 236–37. If OSHA wanted to make the federal civil penalties the only acceptable civil penalties for

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<sup>5</sup> OSHA cannot disclaim this change by insisting it has historically taken the position in nonbinding statements or letters that state civil penalties must match federal ones. *See* 82 Fed. Reg. at 5375 (claiming this is OSHA’s “long-standing position”). The change here is in what has the force of law. That is all that matters because that is all that anyone truly has fair notice of and can be compelled to comply with. *Cf. Sessions v. Dimaya*, 138 S. Ct. 1204, 1230–31 (2018) (Gorsuch, J., concurring in part and in the judgment) (calling fair notice “the most venerable of due process’s requirements”).

a state plan, then OSHA could have promulgated a regulation that required as much (assuming, for the sake of argument, the OSH Act would permit such a mandate). OSHA, however, did not do that. It cannot now, after the fact, act as if it did and use the 2022 Adjustment to force state plans (or state legislatures) to increase their civil penalties. “Deference in that circumstance would permit the agency, under the guise of interpreting a regulation, to create *de facto* a new regulation.” *Kisor*, 139 S. Ct. at 2415 (internal quotation mark omitted).

**3. The 2022 Adjustment’s discussion of federalism falls short of what the law requires.**

The Supreme Court has “long recognized the role of the States as laboratories for devising solutions to difficult legal problems.” *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. 787, 817 (2015). The federal executive has done the same. *See* Executive Order 13132, 64 Fed. Reg. 43,255 (Aug. 4, 1999). Acknowledging that “our constitutional system encourages a healthy diversity in the public policies” and that the States “are free to experiment with a variety of approaches to public issues,” agencies must “consult with appropriate State . . . officials to determine whether Federal objectives can be attained by other means” than federal mandates and must “encourage States to develop their own policies to achieve program objectives.” *Id.* at 43,256.

The 2022 Adjustment gives short shrift to these fundamental principles and specific obligations. Its entire discussion of federalism is limited to this:

Other than as listed above [noting which States have state plans and the scope of those plans], this final rule does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Accordingly, Executive Order 13132, Federalism, requires no further agency action or analysis.

87 Fed. Reg. at 2332. In short, OSHA thought that because state plans do not have to impose civil penalties on state and local government employers, the 2022 Adjustment is irrelevant to federalism.

As an initial matter, OSHA’s circumscribed view of federalism shows too little respect to the States’ role in our constitutional system. As Justice Brandeis observed almost a century ago, “[i]t is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandies, J., dissenting). Federalism is, in other words, more than simply the relationship between the States and the national government. It is also the freedom the States enjoy to develop creative policy solutions. That’s precisely the ideal the Executive Order 13132 seeks to implement in agency rulemaking.

And for good reason. South Carolina’s State Plan shows the benefits of allowing the States flexibility to develop policy solutions. For example, the State Plan has a robust office for outreach and education that works to educate and train current and future employees by providing consultations, trainings, and partnerships to the State’s employers and employees. This helps South Carolina promote safe workplaces and avoid injuries, and from July 2021–June 2022, these services positively impacted 33,671 employees and 723 employers across South Carolina. Farr Decl. ¶ 8. Similarly, South Carolina has created a Youth Safety Outreach program that trains high-school students in a ten-hour course at high-school career centers, so that they may enter the workforce ready to work safely. Farr Decl. ¶ 9. The State Plan enters into partnerships with construction companies, partnerships that are extended, voluntary, cooperative relationships designed to encourage and assist employers’ efforts to eliminate serious hazards and achieve a

high degree of employee safety and health. Farr Decl. ¶ 10. The State Plan trends data and builds relationships with industry groups and associations throughout the state. These partnerships yield worksite visits, trainings, and conference presentations all to benefit members and their many employees. For example, the State Plan has partnered with the South Carolina Manufacturers Alliance for many years, presenting at their annual Safety Conference and providing hands-on training to its members. Farr Decl. ¶ 11. Unnecessary federal regulation will impede the State’s ability to develop creative solutions for keeping workplaces and employees safe and healthy.

Instead of recognizing this important role for States, OSHA is now blindly demanding strict adherence to a maximum penalty amount, essentially trying to commandeer state plans. In South Carolina, this commandeering is particularly offensive because OSHA is not just commandeering the State Plan. OSHA is commandeering the General Assembly—the heart of our republican form of government—because civil penalties in South Carolina are set by statute, not by regulation. But if Congress cannot “command a state government to enact *state* regulation” to change their civil penalties, *New York v. United States*, 505 U.S. 144, 178 (1992), then federal agencies, as mere “creatures of statute” that “possess only the authority that Congress has provided,” do not have that authority either, *Nat’l Fed’n of Indep. Bus. v. Dep’t of Lab., Occupational Safety & Health Admin.*, 142 S. Ct. 661, 665 (2022). Nor can OSHA find refuge for the 2022 Adjustment in the Spending Clause because, in the OSH Act, “Congress” did not “unambiguously” require federal and state civil penalties to be identical. *Cummings v. Premier Rehab Keller, P.L.L.C.*, 142 S. Ct. 1562, 1570 (2022) (“[I]f Congress intends to impose a condition on the grant of federal moneys, it must do so unambiguously.”).

As a final problem related to federalism, OSHA never bothered to consult with the States to see what they thought about having to have their penalties match the federal ones. Farr Decl.

¶ 17. OSHA completely discounted the role that state plans could play in determining how different civil penalty amounts and structures might promote safer workplaces. By failing to take into account and discuss these issues, the 2022 Adjustment violates Executive Order 13132. *See* 64 Fed. Reg. at 43,256.

In fact, in publishing its notice in the Federal Register seeking to revoke Arizona’s state plan for, among other things, failing to match federal civil penalties, OSHA made clear its disrespect for basic federalism and the rule of law. That notice specifically instructs stakeholders *not* to submit comments “criticizing the regulatory and statutory requirements imposed on State Plans as a condition of their continuous approval to operate a State Plan.” *See* Arizona Notice, 87 Fed. Reg. at 23,788.

## **II. The other factors favor granting a preliminary injunction.**

### **A. Plaintiffs will suffer irreparable harm without an injunction.**

Plaintiffs face at least two threats of irreparable harm. *First*, there are potential implications for the State Plan. OSHA’s 2020 FAME Report about South Carolina’s State Plan raised this issue, noting that “four years” had passed “since the first deadline . . . for adoption” of higher civil penalties but that South Carolina “has not yet” increased those penalties. FY 2020 Follow-Up Federal Annual Monitoring Evaluation (FAME) Report 5, <https://tinyurl.com/3pu5badt>. But the amounts of South Carolina’s civil penalties were not a finding in that 2020 report. Now, however, OSHA’s 2021 FAME Report includes the failure to raise the state civil penalties as a finding. *See* 2021 FAME Report, at 18. Including this as a finding indicates OSHA’s belief that failure to increase its maximum penalties makes the State Plan less effective than the federal standards. *See* OSHA, *State Plan Policies and Procedures Manual* 74. This opens the door for OSHA to revoke the State Plan—exactly like OSHA is seeking to do to Arizona’s state plan. *See* Arizona Notice,

87 Fed. Reg. at 23,786–87. To be sure, OSHA has begun saber-rattling about the State Plan. It began at least back in September 2021 in a letter from James S. Frederick, Deputy Assistant Secretary of Labor, carried through to January 2022 with OSHA’s State Plan Application computer database, and continues now in the FAME Report. *See* Farr Decl. ¶¶ 12–15. A preliminary injunction is therefore necessary to preserve the status quo. *See* Farr Decl. ¶ 16.

*Second*, there is the harm to the State’s sovereignty and dignity. It is axiomatic that when a plaintiff seeks a preliminary injunction in federal court against a state law, the State “suffers a form of irreparable injury” when it “is enjoined by a court from effectuating statutes enacted by representatives of its people.” *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers). This case may not be a judicial injunction against a State that changes the State’s law, but it still is a federal directive to change the State’s law. Without having enacted that federal decree in the proper way, South Carolina suffers an irreparable harm from this federal intrusion.

**B. The equities and public interest favor an injunction.**

The last two factors *Winter* factors may be considered together here because the parties are government officials and entities. *See Nken v. Holder*, U.S. 418, 435 (2009). They too support a preliminary injunction.

OSHA and the federal government will suffer no harm from an injunction. Indeed, OSHA’s own actions prove as much. OSHA published similar adjustments to civil penalties in previous years that purported to require state plans to increase their civil penalties. *See, e.g.*, Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2021, 86 Fed. Reg. at 2966. Yet when South Carolina (as well as other States) did not increase their penalties, OSHA did not penalize them or take any other action. Thus, OSHA did not see increasing state civil penalties as so significant that it must act immediately. Only recently has OSHA taken a

different position. *See* Arizona Notice, 87 Fed. Reg. 23,783. Any delay in increasing state civil penalties due to a preliminary injunction therefore cannot cause any harm to OSHA or the federal government.<sup>6</sup>

Moreover, an injunction will prevent an unlawful federal rule from taking effect. “[T]he public undoubtedly has an interest in seeing its governmental institutions follow the law.” *Roe*, 947 F.3d at 230–31. The federal government is “in no way harmed by issuance of a preliminary injunction which prevents [it] from enforcing” an illegally enacted rule. *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002).

Finally, a preliminary injunction ensures South Carolina’s sovereignty will not be infringed by OSHA requiring it to change its law based on an allegedly invalid federal rule. The Constitution forms “a happy combination” of the federal government and the States. *The Federalist No. 10*, p. 77 (J. Madison) (C. Rossiter & C. Kelser eds. 2003). In this scheme, “the States [are to] retain . . . a very extensive portion of active sovereignty” and “have the advantage of the federal government” because the powers which “remain in the State governments are numerous and indefinite,” while powers in the Federal Government are “few and defined.” *The Federalist No. 45*, pp. 286–89 (J. Madison). Although the federal government may enjoy the benefits of the Supremacy Clause, *see* U.S. Const. art. VI, cl. 2, the “system of dual sovereignty between the States and the Federal Government” only allows federal law to be supreme when it has been properly enacted, *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991). Until the merits of this case are finally decided, OSHA should not be permitted to suddenly compel the State to take legislative action it believes contrary to law solely to preserve the State Plan.

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<sup>6</sup> And as the data show, *see supra* Part I.B.1., South Carolina’s workplaces are already safer and healthier than the national average, so there is also no harm to workers across the State from a preliminary injunction.

### III. No bond should be required.

Rule 65 generally requires a court to impose a bond before granting a preliminary injunction. *See* Fed. R. Civ. P. 65(c). The “purpose underlying” this rule “is to provide a mechanism for reimbursing an enjoined party for harm it suffers as a result of an improvidently issued injunction or restraining order.” *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 n.3 (4th Cir. 1999). “The amount of the bond, then, ordinarily depends on the gravity of the potential harm to the enjoined party.” *Id.* When the defendant faces minimal or no harm from an injunction, a nominal bond, or even no bond, is warranted. *See, e.g., Doe v. Pittsylvania Cty., Va.*, 842 F. Supp. 2d 927, 937 (W.D. Va. 2012) (“Because the prevailing law in this circuit makes it clear that it is highly likely that plaintiff will prevail on the merits and there can be no monetary damages or other harm to the Board from conducting its meetings in a manner consistent with the Establishment Clause, the court fixes the amount of the security bond at zero dollars in this case.”).

This is a case in which no bond (or at most a minimal one) is warranted. Plaintiffs have a strong case on the merits. *See supra* Part I. Just as significantly, the federal government faces no financial harm from a preliminary injunction, as there is no financial exposure to not enforcing the 2022 Adjustment that a bond would secure. In cases like this, when the plaintiff has a strong case and the government defendant faces little or no financial harm from an injunction, courts do not require bonds. *See Draego v. City of Charlottesville, Virginia*, No. 3:16-CV-00057, 2016 WL 6834025, at \*24 (W.D. Va. Nov. 18, 2016) (“Plaintiff asks that the bond requirement be waived or only a nominal bond be required . . . . This seems proper under the circumstances, where Plaintiff has a strong case on the merits and the injunction will result in little to no harm to the government.”); *see also, e.g., Higher Taste v. City of Tacoma*, 755 F. Supp. 2d 1130, 1138 (W.D. Wash. 2010) (“There was no evidence offered concerning economic harm that might result

should Plaintiff not ultimately prevail and therefore no bond is required at this time.”); *Mercer, Fraser Co. v. Cty. of Humboldt, Cal.*, No. C 08-4098 SI, 2008 WL 4344523, at \*2 (N.D. Cal. Sept. 22, 2008) (“The Court finds that the preliminary injunction will require defendant to incur little or no monetary costs and that the injunction is sought to vindicate constitutional rights and the public interest, so no bond or security will be imposed under Fed. R. Civ. Pro. 65(c).”); *Fehribach v. City of Troy*, 341 F. Supp. 2d 727, 734 (E.D. Mich. 2004) (“since it appears at this time that the city will suffer no loss or damage by reason of the issuance of this preliminary injunction, no bond or other security is required of Plaintiff”); *Daniels v. Sch. Bd. of Brevard Cty., Fla.*, 985 F. Supp. 1458, 1462 (M.D. Fla. 1997) (“This lawsuit represents a form of public interest litigation. . . . No bond will be required of Plaintiffs.”). In fact, the United States has even asked a court not to impose a bond when a “preliminary injunction will not cause any hardship to the United States.” *United States v. North Carolina*, 192 F. Supp. 3d 620, 629 (M.D.N.C. 2016). The Court should similarly impose no bond here.

### CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs’ Motion for Preliminary Injunction.

Respectfully submitted,

s/Wm. Grayson Lambert

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August 9, 2022  
Columbia, South Carolina

**CERTIFICATE OF FILING AND SERVICE**

On August 9, 2022, this Motion for Preliminary Injunction was filed with the Court via CM/ECF and served by certified mail, return receipt requested on:

The Honorable Merrick B. Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530

The Honorable Martin J. Walsh  
Secretary of Labor  
U.S. Department of Labor  
Office of the Secretary  
200 Constitution Ave. NW  
Washington, DC 20210

The Honorable Douglas L. Parker  
Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Ave. NW, Rm. S-2315  
Washington, DC 20210

The Honorable Edmund C. Baird  
Associate Solicitor for Occupational Safety and Health  
Office of the Solicitor of Labor  
200 Constitution Ave. NW, Rm. S-4004  
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The Honorable Adair Ford Boroughs  
United States Attorney for the District of South Carolina  
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Columbia, SC 29201

s/Wm. Grayson Lambert  
*Counsel for Governor McMaster*

# *Exhibit 1*

Declaration of Emily Farr

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

HENRY MCMASTER, in his official capacity as  
Governor of the State of South Carolina, and  
SOUTH CAROLINA DEPARTMENT OF LABOR,  
LICENSING & REGULATION,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF LABOR;  
MARTIN J. WALSH, in his official capacity as  
Secretary of Labor; OCCUPATIONAL SAFETY  
AND HEALTH ADMINISTRATION; and DOUGLAS  
PARKER, in his official capacity as Assistant  
Secretary for Occupational Safety and Health,

*Defendants.*

Civil Action No.: \_\_\_\_\_

**Declaration of Emily Farr**

I, Emily Farr, do hereby declare:

1. I am over the age of 18 and competent to give this Declaration.
2. I was appointed as the interim director of the South Carolina Department of Labor, Licensing & Regulation (“LLR”) by Governor Haley on August 8, 2016. I was nominated by Governor McMaster to be the director of LLR and confirmed by the Senate on March 8, 2017. I have served as the director of LLR since that date.
3. LLR administers South Carolina’s state OSHA plan (“State Plan”).
4. The State Plan received initial approval in 1972, was certified in 1976, and received final approval in 1987. The State Plan was the first state OSHA plan in the country to receive final approval.
5. LLR has successfully administered and effectively enforced the State Plan for more than four decades.

6. LLR has repeatedly informed OSHA that any change to the State’s statutory civil penalty structure could be made only through the legislative process. No legislation was passed to alter the State’s civil penalties during the 2022 legislative session.

7. For six consecutive years, South Carolina has had fewer instances of workplace injuries and illness than the national average. Data from the Bureau of Labor Statistics shows the following:

*Employer-Reported Workplace Injuries and Illnesses  
(per 100 full-time workers, all sectors)*

<b><u>Year</u></b>	<b><u>South Carolina</u></b>	<b><u>Federal</u></b>
2015	2.9	3.0
2016	2.8	2.9
2017	2.5	2.8
2018	2.4	2.8
2019	2.4	2.8
2020	2.1	2.7

8. The State Plan has a robust office for outreach and education that provides a variety of services throughout the state, including consultations, trainings (virtual and in-person), and construction partnerships that educate and train current and future employees. Employers and employees are positively impacted by these programs as they offer further education and transparency of OSHA standards needed to create and maintain safe and healthy worksites. In this past state fiscal year (July 2021 to June 2022), 33,671 employees and 723 employers were impacted by these various services.

9. South Carolina has created a Youth Safety Outreach program that trains high-school students in a ten-hour course at high-school career centers, so that they may enter the workforce ready to work safely.

10. The State Plan enters into partnerships with construction companies. These partnerships are extended, voluntary, cooperative relationships designed to encourage and assist employers' efforts to eliminate serious hazards and achieve a high degree of employee safety and health.

11. The State Plan trends data and builds relationships with industry groups and associations throughout the state. These partnerships yield worksite visits, trainings, and conference presentations all to benefit members and their many employees. For example, the State Plan has partnered with the South Carolina Manufacturers Alliance for many years, presenting at their annual Safety Conference and providing hands-on training to its members.

12. On or about September 3, 2021, I received a letter from James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, explaining that the state plans were required by January 1, 2017, to adopt the initial maximum penalty level increase and subsequent annual increases. His letter demanded that the State Plan adopt the new penalty levels without further delay to avoid a Federal Annual Monitoring Evaluation (FAME) finding requiring correction. In response, I raised concerns about the manner in which the requirement was being imposed upon the state plans and reiterated that any change to penalties would require the State's General Assembly passing legislation to change the state law.

13. While past FAME reports for the State Plan have noted the penalty amount issue, it has never been a finding against the State Plan until the current FAME report, which the State Plan received on August 4, 2022.

14. The FAME report includes a finding that the "State Plan has failed to adopt OSHA's initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases."

15. In January 2022, federal OSHA indicated in its State Plan Application computer database (SPA) that state plans had to adopt the new penalty increases by July 15, 2022.

16. Given past communications with federal OSHA in the last year, the notice of Arizona State Plan for Occupational Safety and Health's Proposed Reconsideration and Revocation in the Federal Register published April 21, 2022, and now federal OSHA's finding in the State Plan's current FAME report, it is my belief that South Carolina's failure to legislatively adopt the penalty increases will result in a similar notice for South Carolina after the adoption deadline imposed by federal OSHA of July 15, 2022, and after the finding from the current FAME report regarding the fact that the State Plan has not increased its civil penalties.

17. The injunction is necessary to preserve the status quo until the Court reaches a decision on the merits.

18. To my knowledge, OSHA did not consult with LLR as to why state civil penalties had to be increased to match federal civil penalties in order for the state plan to be as effective as the federal OSHA program.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This the 8th day of August, 2022.

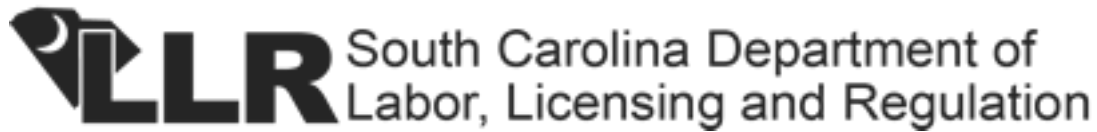
  
Emily Farr

## *Exhibit 2*

FY 2021 Federal Annual Monitoring Evaluation Report  
for South Carolina

# **FY 2021 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report**

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE  
OF OCCUPATIONAL SAFETY AND HEALTH**



**Evaluation Period: October 1, 2020 – September 30, 2021**

**Initial Approval Date: November 30, 1972  
Program Certification Date: August 3, 1976  
Final Approval Date: December 15, 1987**

**Prepared by:  
U. S. Department of Labor  
Occupational Safety and Health Administration  
Region IV  
Atlanta, Georgia**



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## I. Executive Summary

The fiscal year (FY) 2021 South Carolina Federal Annual Monitoring Evaluation (FAME) resulted in a comprehensive FAME report that assesses the South Carolina Department of Labor, Licensing, and Regulations (SCDLLR) – Division of Occupational Safety and Health Program (SC OSHA) progress toward achieving its performance goals established in the FY 2021 Strategic Management Plan. This report assesses the State Plan’s progress in resolving outstanding findings from its previous FAME report. This report also reviews the effectiveness of programmatic areas related to enforcement activities, including a summary of an onsite evaluation.

The South Carolina Occupational Safety and Health Strategic Management Plan for FY 2017 to FY 2021, established two strategic goals: Goal 1: Ensure and improve workplace safety and health and Goal 2: Promote a culture of safety and health. The FY 2021 Performance Plan provided the framework for accomplishing the goals of the SC OSHA Strategic Management Plan by establishing specific performance goals for FY 2021. FY 2021 was a productive year for SC OSHA, despite the effects from the COVID-19 pandemic. Further division restructuring allowed for a more formalized team approach, which made collaboration easier and facilitated success in reaching most of the State Plan’s strategic goals. In addition, SC OSHA made strides in accomplishing internal goals, such as a further improved website, revising operational documents, amending internal policies for uniformity, and developing and implementing virtual training programs and videos.

A six-person OSHA team was assembled to conduct the onsite evaluation in Columbia, South Carolina. The OSHA teams’ evaluation consisted of the following: the review of case files; the review of the SC OSHA performance statistics; the review of training documentation; the review of policies and procedures; and staff interviews. Care was taken to ensure this evaluation was based upon SC OSHA’s Field Operation Manual (FOM), compliance with established policies and directives, and electronic and hard copies of case file documentation. Upon completion of the onsite evaluation, a comparison of the FY 2020 FAME findings was performed.

A total of two findings were identified; one was a new finding, and one was continued from the previous FAME. This report also includes a total of three observations, two continued and one new. SC OSHA made progress in addressing the previous findings and observations from the FY 2020 Follow-up FAME Report. The FY 2020 Follow-up FAME Report contains four open findings and six observations. In FY 2021, two findings were completed, and four observations were closed. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of all FY 2020 recommendations in detail.

The State’s total recordable case (TRC) rate for Calendar Year (CY) 2020 was 2.4. This rate is 17.2% lower than the national average. The State’s days away, restricted or transferred (DART) rate for CY 2020 was 1.5. This rate is 16.7% lower than the national average. This data was released by the Bureau of Labor Statistics (BLS) in November 2021, and it is the most current data available.

## II. State Plan Background

### A. Background

The South Carolina Occupational Safety and Health State Plan was one of the first programs approved by the U.S. Department of Labor, per the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of the state government, and the South Carolina Department of Labor, Licensing and Regulation (SCDLLR) was created. During this review period, Emily H. Farr was the Director of SCDLLR, and Kristina Baker was the Deputy Director. SCDLLR is divided into the following three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The South Carolina Occupational Safety and Health (SC OSHA) Program, within the Division of Labor, is responsible for the management and operation of the State Plan.

It is important to note that SC OSHA is organized into four main areas: Administration, Compliance, Legal and Outreach and Education. The Deputy Director Kristina Baker oversees the program and has four strong area leads that manage the day to day running of the program.

During the review period, Gwen Thomas was the State Plan Manager for the SC OSHA Program and responsible for the area of Administration. This includes leading the following departments: training; technical support and standards; the Web Integrated Management Information System; and the South Carolina Bureau of Labor Statistics. The Office of Technical Support and Standards (OTSS) provides information to assist the public in complying with standards. The office also supports the enforcement program with compliance guidance by providing guidance for internal and external use. In addition, OTSS reviews new OSHA standards and directives to determine whether SC OSHA should adopt them.

The Compliance Manager, Anthony Wilks, manages the Compliance area, including leading the safety and health compliance teams consisting of supervisors, compliance safety and health officers (CSHOs), and administrative staff.

The Chief OSHA Counsel, Deidre Laws, manages the Legal area, which includes Whistleblower 11 (c), informal conferences, contested cases and FOIAs.

The SC OSHA Consultation Manager, Sharon Dumit oversees the Office of Outreach and Education (O&E), which includes the safety and health training, compliance assistance, the South Carolina Palmetto Star Program, the Youth Training Program, and On-site Consultative Services. The Palmetto Star Program is the equivalent to the OSHA Voluntary Protection program. The On-site Consultative Services are provided free of charge to private sector employers, through OSHA's 21(d) grant program.

In South Carolina, state and local government agencies and workers are afforded the same rights, responsibilities, and coverage as those in the private sector.

The table below shows OSHNC's funding levels from FY 2017 through FY 2021.

<b>FY 2016-2020 Funding History</b>					
<b>Fiscal Year</b>	<b>Federal Award (\$)</b>	<b>State Plan Match (\$)</b>	<b>100% State Funds (\$)</b>	<b>Total Funding (\$)</b>	<b>% of State Plan Contribution</b>
<b>2021</b>	\$2,349,000	\$2,349,000	-	4,698,000	50%
<b>2020</b>	\$2,299,700	\$2,299,700	-	4,599,400	50%
<b>2019</b>	2,095,200	2,095,200	-	4,190,400	50%
<b>2018</b>	2,054,700	2,054,700	-	4,109,400	50%
<b>2017</b>	2,054,700	2,054,700	-	4,109,400	50%

## **B. New Issues**

The COVID-19 pandemic had significant impact in FY 2021. The 2021 South Carolina Safety Summit, which was conducted on April 21, 2021, was held virtually. Additionally, the Youth Safety Training Program, which is conducted in collaboration with the Palmetto Star program, was suspended. Additionally, in FY 2021 the SCDLLR worked cooperatively with the SC Department of Health and Environmental Control; the SC Department of Commerce; and the SC Department of Social Services to provide appropriate information and guidance to the employers.

## **III. Assessment of State Plan Progress and Performance**

### **A. Data and Methodology**

OSHA established a two-year cycle for the FAME process. FY 2021 is a comprehensive year and as such, OSHA was required to conduct an on-site evaluation and case file review. A six-person OSHA team, which included a whistleblower investigator, was assembled to conduct a full on-site case file review. The case file review was conducted at the South Carolina State Plan office during the timeframe of January 24-28, 2022. A total of 115 safety, health, and whistleblower case files were reviewed. The safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period (Oct 1, 2020, through September 30, 2021). The selected population included:

- Twenty-one (21) fatality case files
- Ten (10) COVID related case files
- Twenty-five (25) complaint and referral investigation files
- Thirty-nine (39) Construction/General Industry safety and health case files
- Fifteen (15) closed whistleblower case files
- Five (5) Public Sector Consultation files

The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report

- Mandated Activities Report for Consultation
- State OSHA Annual Report
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Full case file review

Each State Activity Mandated Measures (SAMM) Report has an agreed-upon Further Review Level (FRL), which can be either a single number, or a range of numbers, usually above and below the three-year national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2021 State Activity Mandated Measures Report and includes the FRL for each measure.

## **B. Review of State Plan Performance**

### **1. PROGRAM ADMINISTRATION**

#### **a) Training**

SCDLLR continues to operate a training program that is very similar to the OSHA Training Directive (TED 01-00-019). The State Plan's training directive is designated (TD- 003-019), and it ensures that compliance officers progress through an established training path. A Training and Development Director, who monitors the progression and development of the trainees in conjunction with the employee's supervisor, administers SC OSHA's training program. Each trainee is also assigned a mentor (senior compliance officer), who primarily supports the on-the-job training (OJT) aspect of the trainee's development. The employee and the Training and Development Director using the SCOSH Training Guide for CSHOs form, and the Compliance Safety and Health Officer Core Training form, respectively, to track formal training. The latter form reflects the various career paths for occupational safety and health professionals, as they are presented in the OSHA Training Directive. The Training and Development Director also maintains an Excel spreadsheet, which tracks the employee's participation in webinar and career development courses, as well as formal training courses. Their supervisor and mentor, using the Progress Report on New Field Personnel form, assess the career progression and development of each employee. The first page of the two-page form, addresses the OSHA inspection process, and the second page addresses the OSHA report writing process.

Due to the COVID-19 pandemic, the level of outreach training conducted by the SC OSHA Outreach and Education (O&E) training division was significantly reduced. During FY 2021, SC DLLR provided outreach safety and health training to 2,165 employers and employees. Some of the groups South Carolina OSHA O &E collaborated with include:

SC Association of Counties, SC Manufactures Alliance, NC State OTI Outreach Center, SC Department of Transportation, Horry Georgetown Technical College, SC Dietary Managers Association, SC Metal Finishers Association, Low Country and Piedmont ASSE, Professional Construction Estimators Association, SC Masonry Contractors Association, SC Asphalt Association, and the Home Builders Association.

### Statistical Training Information FY 2021

	<b>FY 2021</b>
Private sector employers trained	302
Private sector employees trained	605
State and local government employers trained	267
State and local government employees trained	991
Total number of employers and workers that received training	2,165

#### b) OSHA Information System

The South Carolina OSHA Information System, also known as “The South Carolina OSHA Redesign and Enhancement” (SCORE) is into its twelfth year of operation and continues to provide a significant cost avoidance through the reduction of paper files. During FY 2021, SCORE obviated the need to keep and maintain paper inspection reports for 391 inspections and 386 consultation visits. Those inspections and consultation visits generated 777 inspection and consultation reports, citations, etc. South Carolina OIS not only provides an efficient means of data entry and secure storage, but it also allows South Carolina OSHA to retrieve and analyze that data instantaneously. The development of a system-to-system interface between SC OSHA OIS and the federal OIS system allows SC OSHA to conduct its own data management, while providing the required data to OSHA daily.

#### c) State Internal Evaluation Program Report

SC OSHA has conducted all, or most of their internal audit topics informally, as they have navigated COVID-19, but their focus was shifted because of the need presented by the pandemic. They are currently reviewing those informal notes and are slated to formally audit case file documentation procedures, within the compliance area beginning March 1, 2022, and the updated auditing schedule is quarterly and will continue to address all four areas of the department.

#### d) Staffing

During this period, SC OSHA’s staffing levels were below the established benchmarks for the program. The State Plan remains committed to staffing its program at the appropriate level, within the current budgetary constraints.

		<b>FY 2017</b>	<b>FY 2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
<b>Safety</b>	Benchmark	17	17	17	17	17
	Positions Allocated	17	17	17	17	17
	Positions Filled	15	15	15	15	15
	Vacancies	2	2	2	2	2
	Percent of Benchmarks Filled	88%	88%	88%	88%	88%
<b>Health</b>	Benchmark	12*	12*	12*	12*	12*
	Positions Allocated	12*	12*	12*	12*	12*
	Positions Filled	5	5	5	5	5

Vacancies	5	5	5	5	5
Percent of Benchmarks Filled	50%	50%	50%	50%	50%

\* The benchmarks and positions allocated for health have been agreed upon and recognized by OSHA to be 10, since FY 07. This information has not yet been published in the federal register.

## 2. ENFORCEMENT

### a) Complaints

During FY 2021, SC OSHA received a total of 694 complaints, of which 598 were formal and 96 were non-formal. SC OSHA was outside the state formula FRL for inspections (7 days) and investigations (5 days), but below the negotiated federal formula for inspections, and at the negotiated level for investigations. SAMM 1a and 2a calculate the number of days between complaint receipt date and the first action. Under this formula, longer response times may be caused by incomplete complaints. SAMM 1b is for informational purposes only, and it is not a mandated measure, but it calculates the number of days between the date the office deems the complaint to be valid and the first action date. Under SAMM 1b, SC OSHA had an average of 5.07 days for complaint inspections, and SAMM 2b was 5.42 days for complaint investigations.

SC OSHA has its own complaint process specified in its own administrative instruction. It outlines the policies and procedures for processing formal and non-formal complaints. SC OSHA's complaint process for formal complaints is similar to the federal process. SC OSHA considers electronic complaints obtained through the federal complaint system as a formal complaint. After the receipt of an electronic complaint, a follow-up call to the complainant is usually made to clarify the complaint items. In some instances, the complainant may elect to process the complaint non-formally to address the issue. Following complaint inspections, complainants are mailed a letter informing them of the inspection and indicating whether citations were issued.

Referrals and employer-reported referrals are notices of alleged hazards or violations of the OSH Act, which are typically received from other federal, state, or local agencies, the media, as well as CSHO referrals. Referrals are handled like complaints. SC OSHA follows the same procedures as OSHA for employer-reported referrals. In FY 2021, 238 employer-reported referrals were processed by letters mailed to employers. However, several severe injury reports should have been considered for inspection, but the decision was made not to conduct an inspection, due to the circumstances surrounding COVID-19. This issue does not yet rise to the level of an observation; however, it will be a topic of discussion during future quarterly meetings.

### b) Fatalities

A total of 36 fatalities were reported to SC OSHA in FY 2021, which were eight more than reported in FY 2020. SAMM measure 10 reported that 100% fatality investigations were responded to within one day. Fatality figures for FY 2021 reflect 10 construction fatalities, which was four more than the same period last year. Falls from elevation continue to be the leading cause of fatalities in the construction industry. Over the last year, SC OSHA has continued to identify and reduce the number of worker injuries, illnesses, and fatalities in

construction by focusing attention and resources on the most prevalent types of workplace injuries and illnesses (e. g., falls, electrocutions, struck-by equipment, and crushed by/caught between equipment hazards) through construction focused inspections.

SC OSHA also placed an emphasis on trenching and excavation hazards. SC OSHA followed the national initiative on trenching and excavation hazards. In FY 2021, there were no fatalities reported involving trenching and excavation work.

The SC State Plan experienced seven work-related deaths in FY 2021 in the manufacturing, and five in the agriculture industries, respectively. The number of state and local government fatalities rose from two in FY 2020 to seven in FY 2021. The tables below detail the industries, where fatalities occurred in FY 2020 and FY 2021.

<b>Fatalities By Industry</b>	<b>FY 2020</b>	<b>FY 2021</b>
Construction	6	10
Manufacturing	6	7
Transportation & Public Utilities	4	1
Wholesale Trade	2	0
Retail Trade	2	0
Services	6	5
Agriculture, Forestry, Fishing	0	5
Government	2	7
Finance: Insurance & Real Est.	0	1
Other	0	0
<b>Total Fatalities</b>	<b>28</b>	<b>36</b>

During the case file review, it was identified that the State Plan does not send a final next-of-kin (NOK) letter to the family to inform them of the inspection results, which is in accordance with the State Plan's policy. However, the initial letter to Next-of-Kin (NOK) was sent on all investigations. The initial letter states that the NOK may request the results of the inspection, including copies of the citations, the result of an informal conference, notice of employer protests, and any other actions taken toward the resolution of the matter. In addition, the Deputy Director maintains continued correspondence, during the investigation. Fatality information is recorded in SC OSHA's information system. All fatalities are also entered into the Fatality Tracker for review. A supervisor, who determines if the fatality falls within SC OSHA's jurisdiction, reviews each entry.

In six of 21 fatality investigations reviewed, the case files contained evidence of hazardous conditions that may have violated SC OSHA standards and could have resulted in a citation. Two cases did not include evidence to explain why additional lockout-related violations were not proposed for requirements, such as training, periodic evaluations, and documented procedures. In another case, the employer's respiratory protection program did not detail worksite specific procedures, such as medical evaluations, fit testing (except to perform a seal check), and for maintaining respirators.

**Observation FY 2021-OB-01 (previously FY 2020-OB-03):** Six of 21 (29%) fatality investigations reviewed lacked documentation to ascertain why a SC OSHA standard was not cited.

**Federal Monitoring Plan:** During next year’s FAME, a limited scope review will determine if this reflects the data trend.

c) Targeting and Programmed Inspections

SC OSHA reviews the annual high hazard planning guide for targeting hazards in specific industries. As a result of this practice, the State Plan has seen a reduction in the number of injuries and illnesses in these high hazard industries. SC OSHA participated in several National Emphasis Programs (NEPs), such as Amputations, Silica, Lead in General Industry and Construction, Process Safety Management, and Trenching. In FY 21, two inspections were conducted under the Process Safety Management (PSM) Covered Chemical Facilities and the Hexavalent Chromium emphases programs. Sixteen (16) inspections were conducted for the presence of Crystalline Silica. In addition, SC OSHA conducted three trenching inspections with 19 citations issued, of which 16 are currently abated. SC OSHA also participated in the following OSHA outreach and education initiatives in FY 2021: National Fall Safety Stand- Down; Heat Illness Prevention Campaign; National Safety Month; and Safe and Sound Week. Many South Carolina employers and employees participated in these awareness campaigns at various events, throughout the State.

According to inspection statistics reviewed, SC OSHA conducted 389 inspections in FY 2021, of which 169 were programmed. According to SC OSHA’s SIR data, 85.62% of private sector programmed safety inspections and 100% of private sector programmed health inspections had violations issued [SIR Measure 2b].

**FY 2021 The following table outlines the total number of violations for programmed activity:**

All General Industry Programmed Inspections	SC OSHA	All Construction Programmed Inspections	SC OSHA
Average Number of Violations/Inspection	<b>1.89</b>	Average Number of Violations/Inspection	<b>1.47</b>
% Violations Classified as Serious, Repeat and Willful	<b>73.6</b>	% Violations Classified as Serious, Repeat and Willful	<b>84.1</b>

[Reference: SC OSHA Express System]

Percent of enforcement presence (SAMM 17) describes the number of safety and health inspections conducted, as compared to the number of employer establishments in the State. The State Plan had a percent enforcement presence of 0.43%, which was lower than the FRL range of 0.74% to 1.24%. The lower enforcement presence indicates that the State Plan is not reaching as many employers with enforcement activity than the national average.

## d) Citations and Penalties

In FY 2021, the 389 inspections conducted in SC resulted in an average of 1.77 serious, willful, repeat (SWR) violations per inspection, and 0.66 other-than-serious violations per inspection. SC OSHA was within the range of the FRL for SWR, which was 1.42 to 2.14 (SAMM 5a) and was slightly under the FRL for other-than-serious violations, which was 0.73 to 1.09. Serious violations are categorized as high, medium, or low severity serious, for penalty calculation purposes. In FY 21, SC OSHA issued 639 violations. SC OSHA conducted 308 safety and 81 health inspections, which exceeded the planned inspection goal of 305 inspections.

SC OSHA was also within the FRL average lapse time from opening conference to citation issuance date (SAMM 11) as referenced below:

<b>Average Lapse Time</b>	<b>SC OSHA</b>	<b>FRL</b>
Safety	<b>57.05 days</b>	<b>41.94 – 62.90</b>
Health	<b>77.82 days</b>	<b>52.88 – 79.32</b>

The total in-compliance rate for all safety inspections in FY 2021 was 21.43%, and 62.71% for health inspections (SAMM 9). The FRL was +/-20% of the three-year national average of 31.65%, which equals a range of 25.32% to 37.98% for safety, and 40.64%, which equals a range of 32.51% to 48.77% for health inspections. Over the last two years, SC OSHA has demonstrated significant improvement for their in-compliance rate for safety inspections. However, for health inspections the acceptable data not requiring further review was between 32.51% to 48.77%.

The case file review found that six of 50 (12%) case files identified missed violations related to personal protective equipment, hazard communication and OSHA 300 logs. There was also evidence in a casefile indicating that three employers were not enforcing employees' use of face masks during the COIVD-19 pandemic. OSHA/CDC guidance was for employees to wear face masks; therefore, a recommendation letter should have been proposed.

SC OSHA's average current penalty per serious violation in the private sector (SAMM 8: 1 - 250+ workers) was \$1,592.07 in FY 21. The further review level (FRL) is  $\pm 25\%$  of the three-year national average (\$3,100.37). The FRL ranges from \$2,325.28 to \$3,875.46. Therefore, SC OSHA's current penalty per serious violation in the private sector (1-250+ workers) was below the lowest acceptable FRL.

SC OSHA's average current penalty for serious violations in the private sector (SAMM 8: greater than 250 workers) was \$3,360.79 in FY 21. The further review level (FRL) is  $\pm 25\%$  of the three-year national average (\$6,575.70). The FRL ranges from \$4,931.78 to \$8,219.63. SC OSHA's current penalty per serious violation in the private sector (greater than 250+ workers) was lower than the lowest acceptable FRL.

Penalties are one component of effective enforcement, and State Plans are required to adopt penalty policies, and procedures that are "at least as effective" (ALAE), as those contained in

OSHA's Field Operations Manual (FOM). OSHA will continue to explore ALAE analysis of State Plan penalty structures to include evaluation of average current penalty per serious violation data.

According to the SC Field Operations Manual (SC FOM), for Serious violations, Gravity Base Penalty (GBP) shall be assigned based on the following scale:

Severity	Probability	Gravity Based Penalty
High	Greater	\$5,000
Medium	Greater	\$3,500
Low	Greater	\$2,500
High	Lesser	\$2,500
Medium	Lesser	\$2,000
Low	Lesser	\$1,500

The highest gravity classification (high severity and greater probability) shall normally be reserved for the most serious violative conditions, such as those situations involving danger of death or extremely serious injury. If the administrator determines that it is appropriate to achieve the necessary deterrent effect, a GBP of \$7,000 may be proposed.

Consideration should have been given to increase the fatality related penalties to \$7,000 for deterrent effect, and per the SC Special Emphasis Program on High Potential Hazards (HPH). The SC FOM also states the following: When a small business has one or more serious violations of high gravity, or a number of serious violations of moderate gravity, indicating a lack of concern for employee safety and health, the compliance manager may determine that only a partial reduction in penalty shall be permitted for size (of business).

Ten (10) out of 50 (20%) cases reviewed should have considered a proposed GBP of \$7,000. For example, an accident-related high gravity, greater probability, General Duty Clause violation for heavy equipment roll-over was proposed with a GBP of \$5000 with an adjusted penalty of \$1500. A penalty near \$7000 was warranted, based on HPH Policy and application of partial size reduction, per the SC FOM. When a small business has one or more serious violations of high gravity, or a number of serious violations of moderate gravity, indicating a lack of concern for employee safety and health, the compliance manager may determine that only a partial reduction in penalty shall be permitted for size.

The unadjusted GBP for a second fatality-related violation was \$2,500, based on a lesser probability assessment. Consideration should have been given to increase the fatality-related penalty to \$7,000 for deterrent effect, and per the SC Special Emphasis Program (SEP) on High Potential Hazards.

Penalty for a High Lesser Fall hazard violation was \$1,000. SC FOM and HPH guidance allows for violation to be classified as HG with only a partial penalty reduction for size, which would have resulted in a penalty near \$7,000.

**Finding FY 2021-01 (previous Findings FY 2020-02, FY 2019-02):** The percentage of health (62.71%) inspections that were in-compliance was higher than the FRL of 32.51% to 48.77%.

**Recommendation:** Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should be focused on creating targeting lists and gaining entry to sites with the most hazards to best protect employees. Training should continue to address hazard recognition skills with health compliance staff.

**Observation FY 2021-OB-02 (previous FY 2020-OB-01, FY 2019-OB-01):** In FY 2021, missed violations or lack of a recommendation letter was noted in six out of 50 (12%) case files reviewed. Several examples include, personal protective equipment, hazard communication, OSHA 300 logs and face masks during the COVID-19 pandemic.

**Federal Monitoring Plan:** During next year's FAME, a limited scope review will determine if this reflects the data trend.

**Observation FY 2021-OB-03:** In 10 out of 50 (12%) investigations, it was identified that using the Gravity Base Penalty (GBP) of \$7,000 was appropriate to achieve the necessary deterrent effect.

**Federal Monitoring Plan:** During next year's FAME, a limited scope review will determine if this reflects the data trend.

a) Abatement

SC OSHA has regulations that address requirements for abatement verification. During case file reviews, abatement information sent in by the employer was found to be consistent, which also included obtaining the employer's certification. Supervisors assigned follow-up inspections to CSHOs, based on the criteria listed in the FOM. Follow-up inspections accounted for 5.6% of the total inspections in South Carolina for FY 2021. Follow-up inspections are useful to ensure abatement if there is a problem with abatement verification. According to the SIR for FY 2021, the number of private sector inspections that had unabated violations more than 60 calendar days past issuance date for safety was 22, and 90 calendar days past the issuance date for health was three (3). In addition, there were 32 valid unprogrammed activities handled as inspections, which had been open more than 60 days, and 261 valid complaints handled as a phone/fax, which had been open more than 30 days. SC OSHA should ensure that the number of complaints open remains low, so that hazards are quickly eliminated.

Most case files reviewed contained written documentation, photos, work orders, or employer's certification of abatement. Petitions for Modification of Abatement (PMAs) were appropriately provided, when the employer requested an extension for their corrective action timeframe, and interim protection information was provided in the case file.

b) Worker and Union Involvement

The State Plan's procedures for employee and union involvement are identical to OSHA's. Case file review disclosed that employees were included during 100% of fatality investigations and other inspections. This determination was supported by SAMM 13, Percent of initial inspections with worker walk-around representation or worker interview, which was 100%.

### 3. REVIEW PROCEDURES

#### a) Informal Conferences

SC OSHA's administrator or their designated representative may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notification of "failure to correct violation" or missed abatement date. Many of these issues can be resolved at the informal conference level, thereby expediting abatement, and avoiding unnecessary litigation. The Informal Conference Office provides an avenue for employers to settle cases and reach a better understanding of the citations received, after an inspection. This office also maintains inspection files and handles Freedom of Information Act (FOIA) requests for SC OSHA records. In the past year, 101 informal conferences were held, with 18, approximately 18%, moving forward to formal contest.

According to SC OSHA's informal conference policy, detailed documentation will be entered into the database system, and all information provided by the employer to justify actions taken will be maintained in the case file. During the case file review, case files provided documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.

The FRL for percent penalty retained is +/- 15% of a three-year national average of 69.08%, which equals a range of 58.72% to 79.44% (SAMM 12). SC OSHA's percent for penalty retained is 82.98%, which exceeded the FRL.

#### b) Formal Review of Citations

In South Carolina, contested cases are handled by the South Carolina Administrative Law Court. SC OSHA has regulations for ensuring that employers have the right to contest citations and penalties. South Carolina continues to maintain a very low contest rate. In FY 2021, 3.5% cases were contested. During FY 2021, SC OSHA vacated 11 out of 28 violations of private sector violations, after a contest had been filed. SC OSHA also reclassified 10 out of 17 violations, after a contest had been filed. Regarding penalties, SC OSHA retained 84.49%, while OSHA retained 61.70% after a contest had been filed. This data was obtained from the SIR for FY 2021.

### 4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

In accordance with 29 CFR 1902, State Plans are required to adopt standards and federal program changes, within a 6-month time frame. State Plans that do not adopt identical standards and procedures must establish guidelines, which are at least as effective (ALAE) as the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. During this period, with a few exceptions, SC OSHA adopted all the federal directives and OSHA-initiated standards, which required action in a timely manner. The State Plan initially declined to adopt the Emergency Temporary Standard (ETS) for COVID-19, expressing a desire to develop and implement a permanent infectious disease standard. However, the State Plan finally adopted the ETS on October 29, 2021, after a series of letters from OSHA, which indicated that failure to adopt the ETS on July 21, 2021, would result in a determination that the State Plan was not ALAE as OSHA. Federal OSHA will continue to work with the State Plans on adopting any future emergency standards required by 29 CFR 1953.5(b). Additionally, the adoption of SC

OSHA's Maximum Penalty Increase is still pending, due to the State's Legislature. The tables below provide a complete list of the federal directives and standards, which required action during this period:

**Table A**  
**Status of FY 2021 Federal Standards Adoption**

<b>Standard</b>	<b>Response Due Date</b>	<b>State Plan Response Date</b>	<b>Intent to Adopt</b>	<b>Adopt Identical</b>	<b>Adoption Due Date</b>	<b>State Plan Adoption Date</b>
<i>Adoption Required</i>						
*Final Rule on the Implementation of the 2020 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1903 (1/15/2020)	3/15/2020	2/13/2020	NO	NO	7/15/2020	N/A
Final Rule on the Beryllium Standard for General Industry 29 CFR 1910 (7/14/2020)	9/14/2020	10/28/2020	YES	YES	1/14/2021	10/28/2020
Final Rule on the Beryllium Standard for Construction and Shipyards 29 CFR 1915, 1926 (8/31/2020)	10/30/2020	10/28/2020	YES	YES	2/27/2021	10/28/2020
Final Rule on the Implementation of the 2021 Annual Adjustment to Civil Penalties for Inflation (1/15/2021)	3/16/2021	3/16/2021	Pending	Pending	7/14/2021	N/A
Occupational Exposure to COVID-19; Healthcare Emergency Temporary Standard 29 CFR 1910 (6/21/2021)	7/6/2021	7/9/2021	YES	YES	7/21/2021	10/29/2021
<i>Adoption Encouraged</i>						
Final Rule on the Rules for Agency Practice and Procedures Concerning OSHA Access to Employee Medical	9/28/2020	10/14/2020	NO	NO	1/26/2021	N/A

Standard	Response Due Date	State Plan Response Date	Intent to Adopt	Adopt Identical	Adoption Due Date	State Plan Adoption Date
Records 29 CFR 1913 (7/30/2020)						
Final Rule on Cranes and Derricks in Construction: Railroad Roadway Work 29 CFR 1926 (9/15/2020)	11/14/2020	10/28/2020	YES	YES	3/14/2021	10/28/2020

**Table B**  
**Status of FY 2021 Federal Program Change (FPC) Adoption**

<i>Adoption Required</i>						
Amputations in Manufacturing Industries NEP CPL 03-00-022 (12/10/2019)	2/10/2020	2/10/2020	YES	YES	6/10/2020	2/13/2020
Respirable Crystalline Silica NEP CPL 03-00-023 (2/4/2020)	4/4/2020	2/14/2020	YES	YES	8/4/2020	2/14/2020
<i>Equivalency Required</i>						
Field Operations Manual CPL 02-00-164 (4/14/2020)	6/13/2020	7/16/21	YES	NO	10/14/2020	10/14/2020
Inspection Procedures for the Respirable Crystalline Silica Standards CPL 02-02-080 (6/25/2020)	8/24/2020	8/24/2020	YES	YES	12/25/2020	8/24/2020
Site-Specific Targeting (SST) CPL 02-01-062 (12/14/2020)	2/14/2021	2/14/2021	NO	NO	6/12/2021	NA
Consultation Policies and Procedures Manual CSP 02-00-004 (3/19/2021)	5/19/2021	5/19/2021	YES	YES	9/19/2021	7/16/2021
Inspection Procedures for the COVID-19	7/6/2021	7/9/2021	YES	NO	7/21/2021	10/29/2021

Emergency Temporary Standard CPL DIR 2021-02 (CPL 02) (6/28/2021)						
Compliance Directive for the Excavation Standard 29 CFR 1926, Subpart P CPL 02-00-165 (7/1/2021)	8/30/2021	8/30/2021	YES	YES	11/01/2021	12/10/2021
Revised National Emphasis Program - Coronavirus Disease 2019 (COVID-19) CPL DIR 2021-03 (CPL 03) (7/7/2021)	7/22/2021	7/22/2021	NO	NO	NA	NA
<i>Adoption Encouraged</i>						
Voluntary Protection Programs Policies and Procedures Manual CSP 03-01-005 (1/30/2020)	3/30/2020	2/18/2020	YES	YES	NA	2/18/2020
Electronic Case File System Procedures for the Whistleblower Protection Program CPL 02-03-009 (6/18/2020)	8/18/2020	7/16/2020	NO	NA	N/A	7/16/2020
National Emphasis Program - Coronavirus Disease 2019 (COVID-19) CPL DIR 2021-01 (CPL-03) (3/12/2021)	5/12/2021	5/18/2021	NO	NO	N/A	5/18/2021
Communicating OSHA Fatality Inspection Procedures to a Victim's Family CPL 02-00-166 (7/7/2021)	9/7/2021	8/10/2021	YES	NO	N/A	8/31/2021

**\*Adoption of Maximum and Minimum Penalty Increases**

In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum and minimum penalties. See [81 FR 43429](#). As required by law, OSHA then increased penalties annually, most recently on

January 14, 2022, according to the Consumer Price Index (CPI). See 2022 Annual Adjustments to OSHA Civil Penalties, available at <https://www.osha.gov/memos/2022-01-13/2022-annual-adjustments-osha-civil-penalties>; 87 FR 2328 (Jan. 14, 2022).

OSHA-approved State Plans must have penalty levels that are at least as effective as OSHA’s, per Section 18(c)(2) of the Occupational Safety and Health Act; 29 CFR 1902.37(b)(12). State Plans were required to adopt the initial maximum penalty level increase and the subsequent annual increases. State Plans were required to submit their initial intent to adopt by September 1, 2016. The first deadline for adoption of an annual increase was January 1, 2017.

The SC State Plan is required to adopt maximum and minimum penalty increases that are at least as effective as the Agency’s most recent increase issued in January 2022, without further delay. OSHA recognizes that the State has needed to implement legislative changes before this adoption can be completed. A letter to the SC State Plan informing that failure to adopt these increases would very likely result in FAME finding and requesting that the State Plan respond with an action plan for completing the necessary legislative changes, was sent on September 2, 2021. SC State Plan responded on September 30, 2021.

This response included the following action plan, the South Carolina OSHA will continue to evaluate the State Plan's effectiveness and have conversations with members of the General Assembly, in consideration of introduction and passage of a bill that would match OSHA’s penalty levels.

**Finding- FY-2021-02:** SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases.

**Recommendation:** SC OSHA should work with their state authorities to complete the legislative changes necessary to enable it to adopt maximum and minimum penalty amounts that are at least as effective as OSHA’s maximum and minimum penalty levels.

**5. VARIANCES**

South Carolina has 73 permanent variances, none of which are multi-state variances approved by OSHA, and there are no temporary variances. The last variance (Just Aircraft, LLC) was adopted in 2019.

**6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM**

In FY 2021, SC OSHA’s state and local government employee program operates similarly to the private sector. As with the private sector, state and local government employers can be cited with monetary penalties. However, the penalty structure for state and local government agencies is different from the private sector. SC OSHA conducted 14 state and local government agency inspections in FY 2021, which accounted for over 1.75% of all inspections. There were only two that were programmed inspections. The following table outlines the total number of violations for programmed activity, as well as the in-compliance rate and the percentage SWR violations for state and local government agencies:

<b>State and Local Government Agency</b>	<b>SC OSHA</b>
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<b>Inspections</b>	
Average number of violations	2.33
In-Compliance Rate	57.14%
% Violations classified as Serious, Repeat, and Willful	42.86%

## 7. WHISTLEBLOWER PROGRAM –

The South Carolina Occupational Safety and Health Act, Section 41-15-210 et. Seq., Code of Laws of South Carolina, 1976, is the State statute of general application designed to regulate employment conditions relating to occupational safety and health. It aims to achieve safer and healthier workplaces throughout the State. A complaint filed under this statute is commonly referred to as an 11(c) complaint, which is a reference to Section 11(c) of the OSH Act. Enforcement of this statute in South Carolina falls under SCDLLR. Investigations were performed by investigators and currently reviewed by Labor Legal (e.g., SCOSH attorney), who oversees the program.

The SC OSHA Whistleblower Investigations Program has a dedicated Chief Counsel, who receives complaints and conducts the initial intake interview. If an investigation is warranted, the case is then assigned to one of the two full-time investigators or to the one part-time investigator on staff. Once the investigation is complete, the investigator makes recommendation for disposition to the Chief Counsel.

SC OSHA recently adopted a Whistleblower Investigations Manual (WIM), which was implemented in FY 2021. The WIM memorializes the policies, and procedures of the SC OSHA 11(c) Whistleblower Investigations Program, and closely reflects the guidance provided by OSHA’s WIM. SC OSHA policies and procedures, regarding whistleblower investigations were found to be ALAE as those of OSHA. SC OSHA’s WIM, however, is an internal document and is neither statutory, nor considered as regulatory.

A review of 15 case files established that the paper case files are organized in a logical sequence and are in compliance with the applicable policies. The use of a case tracking system to document incoming complaints and record final determinations is similar to that utilized by OSHA. SC OSH investigators have a working knowledge of the investigative process and the pertinent evidentiary burdens that are applicable to a retaliation allegation. Investigative findings are accurately documented in the case files and support the findings. All complaints appeared to have been investigated, at least as thoroughly as OSHA would have investigated.

Significant improvements were noted in the management of whistleblower case files and standardized documentation has been implemented. By standardizing documents (e.g., table of contents, case activity log, case assignment letter), SC OSHA case files align with minimum standards set forth in OSHA’s WIM.

Meritorious Complaints		Merit Cases Settled	
FY 2021	6%	FY 2021	100%
FY 2020	7%	FY 2020	100%
FY 2019	10%	FY 2019	100%
FY 2018	24%	FY 2018	85%

During FY 2021, data shows that SC OSHA received 80 complaints. Of the complaints received, 21 were docketed and 59 were administratively closed. According to the SAMM Report, 8% of the investigations were completed timely; that is, completed within 90 days, as compared to 4% in FY 2020. The average lapse time for retaliation cases was 545 days, as compared to 290 days in 2019. [Reference: SAMM 14, 15, 16].

Due to the current COVID-19 pandemic, this metric continued to be a challenge in FY 2021. SC OSHA has made efforts to mitigate this obstacle by hiring one additional full-time and one part-time investigator since the last review. Under the current circumstances, an observation is not warranted here. Both OSHA and SC OSHA will continue to discuss this metric at quarterly meetings.

## **8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)**

During this period, neither OSHA, nor SC OSHA received any CASPAs regarding the operation of the State Plan.

## **9. VOLUNTARY COMPLIANCE PROGRAM**

The South Carolina Department of Labor, Licensing and Regulations (SCDLLR) administers the SC OSHA compliance program. The Office of Voluntary Programs (OVP) includes the Voluntary Protection Programs (VPP) called Palmetto Star, as well as Consultation, Alliances and Partnerships. During this period, SCDLLR also participated in the following OSHA outreach campaigns and initiatives: National Fall Stand-Down; Heat Illness Prevention; National Safety Month; as well as Safe and Sound. Numerous employees and employers in South Carolina supported each of these activities.

Although the program was suspended in FY 2021, the State Plan continues to provide South Carolina high school students attending vocational schools or career centers with OSHA 10-hour safety and health training for general industry workers. This program uses authorized trainers from the Palmetto Star Program sites to provide this training. This program assists the schools in fulfilling the South Carolina Department of Education requirement for SC OSHA awareness training, under the State's Career and Technology Education Manufacturing course standards.

### **Alliances**

SCDLLR continues to maintain its Alliance Program; however, no alliances were implemented during this period.

### **Partnerships**

The State Plan's Partnership Program is very similar to the OSHA Partnership Program (OSPP), including the guidance document and the annual evaluation report. However, due to the State Plan's limited resources, only a small number of employers are permitted to participate in the program at a given time. At the time of the FAME onsite visit, three employers were active participants in the State Plan's Partnership Program. The State Plan's Partnership is very similar to the OSHA Strategic Partnership Program (OSPP), with a few exceptions. SCDLLR conducts quarterly visits to its Partnership sites, and the sites are evaluated through non-enforcement verification visits.

### **Voluntary Protection Programs (VPP)**

SCDLLR continues to operate the South Carolina Palmetto Star Program. Overall eligibility requirements for the Palmetto Star are more stringent than the requirements of OSHA's VPP. The Palmetto Star program is only open to employers in the North American Industrial Classification System (NAICS) codes 31-33, and employers are required to maintain injury and illness rates at least 50% below the rate for that industry in South Carolina. Participants are evaluated every three years, and the State Plan's report is documented on a form, which is identical to the VPP report used by OSHA. Additionally, the State continues to thoroughly evaluate Star sites that experience accidents, as well as incentive programs implemented by Palmetto Star participants. There are currently 36 active Palmetto Star sites. Since the last FAME visit, one new site was established; however, two sites withdrew from the program. During FY 2021, three (3) Star sites were also re-evaluated to determine their eligibility for continued participation in the program. During this on-site review, eight (8) Palmetto Star case files were reviewed to ensure compliance with the program's policies and procedures.

The State Plan is also continuing the Special Star Team Member (SPSTM) policy, which is like OSHA's Special Government Employee (SGE) program. Participants in this program must undergo specialized testing and training. Participants in the program serve a three-year appointment term, and they must undergo a one-day re-certification training session to renew their participation.

### **10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM**

In FY 2021, the consultation program projected two state and local government on-site consultation visits, one safety and one health; the State Plan exceeded the projected goal. Five state and local government visits were conducted, four health visits and one safety visit. One health visit was limited to indoor air quality issues at one specific agency, and another health visit was limited to lead and noise exposure at an ammunition range. One of the two full-service visits was focused on safety. The health full-service visit was deemed in compliance; however, the safety full-service visit documented several hazards, which were corrected in a timely manner. In fact, all case files were well documented and reflected appropriate corrective action.

## Appendix A – New and Continued Findings and Recommendations

### FY 2021 SC OSHA Comprehensive FAME Report

FY 2021-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
Finding FY 2021-01	The percentage of health inspections (62.71%) that were in-compliance was higher than the FRL of 32.51% to 48.77% for health.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should be focused on creating targeting lists and gaining entry to sites with the most hazards to best protect employees. Training should continue to address hazard recognition skills with health compliance staff.	Finding FY 2020-02 FY 2019-02
Finding FY 2021-02	SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases.	SC OSHA should work with their state authorities to complete the legislative changes necessary to enable it to adopt maximum and minimum penalty amounts that are at least as effective as OSHA’s maximum and minimum penalty levels.	

## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2021 SC OSHA Comprehensive FAME Report

Observation # FY 2021-OB-#	Observation# FY 20XX-OB- # or FY 20XX- #	Observation	Federal Monitoring Plan	Current Status
<i>FY 2021-OB-01</i>	<i>FY 2020-OB-03</i>	In FY 2021, six of 21 fatality investigations reviewed lacked documentation to determine the reason(s) an OSHA standard was not cited.	During next year's FAME, a limited scope review will be conducted to determine if observation is reflected in the data trend.	Continued
<i>FY 2021-OB-02</i>	<i>FY 2020-OB-01</i> <i>FY 2019-OB-01</i>	In FY 2021, missed violations or lack of a recommendation letter was noted in six out of 50 (12%) case files reviewed. Several examples include, personal protective equipment, hazard communication, OSHA 300 logs and face masks during the COVID pandemic.	During next year's FAME, a limited scope review will be conducted to determine if this observation is reflected in the data trend.	Continued
<i>FY 2021-OB-03</i>		In 10 out of 50 (12%) investigations, it was identified that using the Gravity Base Penalty (GBP) of \$7,000 was appropriate to achieve the necessary deterrent effect.	During next year's FAME, a limited scope review will be conducted to determine if this observation is reflected in the data trend.	New
	<i>FY 2020-OB-02</i> <i>FY 2019-OB-02</i>	In 11 out of 33 (33%) cases reviewed in FY 2019, decisions regarding on-site inspections were not appropriately based on the severity of hazards alleged and resources available.	During next year's FAME, a limited scope review will be conducted to determine if this observation is reflected in the data trend.	Closed
	<i>FY 2019-OB-04</i> <i>FY 2020-OB-04</i>	In FY 2019, in six of 22 (27%) programmed comprehensive inspections that were reviewed, the inspections did not include the CSHOs physical review and the evaluation of the employer's written safety and health program.	During next year's FAME, a limited scope review will be reviewed to determine if this observation is reflected in the data trend.	Closed
	<i>FY 2019-OB-06</i> <i>FY 2020-OB-05</i>	SC OSHA conducted 104% of the planned safety inspections (297 of 285) and 61% of health inspections (52 of 85). Turnover rate and the loss of experienced	During next year's FAME, a limited scope review will be reviewed to determine if this observation is reflected in the data end.	Closed

**Appendix B – Observations Subject to New and Continued Monitoring**

## FY 2021 SC OSHA Comprehensive FAME Report

		CSHOs continue to contribute to the lower number of planned health inspections.		
	<i>FY 2019-OB-07</i> <i>FY 2020-OB-06</i>	In FY 2019, three case files reviewed did not include citations for willful violations, where the evidence in the case file indicated willful classification should have been considered.	During next year's FAME, a limited scope review will be conducted to determine if this observation is reflected in the data trend.	Closed

## Appendix C - Status of FY 2020 Findings and Recommendations

### FY 2021 SC OSHA Comprehensive FAME Report

20XX-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
Finding FY 2020-01	In 21 of the 33 construction in-compliance case files reviewed, worker interviews were not performed and/or the interviews or contemporaneous notes were not documented in the case file.	SC OSHA should determine the cause for the lack of worker interviews conducted and implement corrective action to ensure that workers are interviewed during inspections and that the interviews and contemporaneous notes are documented.	SC OSHA conducted training with CSHOs regarding number, quality, and documentation of employee interviews. SC OSHA safety and health supervisors have been conducting periodic reviews to ensure worker interview documentation is present in the case files. SC OSHA is awaiting verification of corrective action through case file review during the FY 2021 comprehensive FAME.		Completed
Finding FY 2020-02 and FY 2019-02	The percentage of health inspections (62.71%) that were in-compliance was higher than the FRL of 32.51% to 48.77% for health.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective action in the most hazardous worksites.	The safety-in-compliance rate for FY 2020 was 28.29%. This is a significant improvement over the last several years and is well within the FRL. However, the health in-compliance rate was out of range. Inspections are conducted according to SC OSHA's high hazard planning guide and the number of programmed inspections received. SC OSHA will continue to review the NAICS that are assigned and determine which industries warrant enforcement based on industry incidence rates. SC OSHA will also continue to provide additional training to CSHOs to ensure that all potential violations are addressed. In-compliance health inspections will be a focus during the FY 2021 comprehensive FAME.		Continued for Health Inspections

## Appendix C - Status of FY 2020 Findings and Recommendations

### FY 2021 SC OSHA Comprehensive FAME Report

Finding FY 2020-03	Twenty case files had clearly supportable OTS violations that were not cited.	Ensure that hazards identified during inspections are addressed through citation, notification of violation or recommendation letter.	SC OSHA safety and health supervisors have been conducting periodic training to ensure that OTS are appropriately cited. OSHA will continue to work with SC OSHA to better assess how SC OSHA's unique policy affects the in-compliance rates. SC OSHA is awaiting verification of corrective action through case file review during the FY 2021 comprehensive FAME.		Completed
Finding FY 2019-04	Seven case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.	SC OSHA should ensure that informal conference notes document changes made to the citations, and/or penalties are legible, organized, and include justification in the case file and ensure documentation is received.	SC OSHA hired and trained a new Informal Settlement staff member on its informal conference policy. This individual was trained to document changes to citations, penalties, and justification of the results of the conference, which are typed and inserted into the file in a logical, organized, and uniformed format. SC OSHA hired and trained a new Informal Settlement staff member on the informal conference policy. This individual was trained to document changes to citations, penalties, and justification of the results of the conference, which are typed and inserted into the file in a logical, organized, and uniformed format.		Completed

## Appendix D - FY 2021 State Activity Mandated Measures (SAMM) Report

FY 2021 South Carolina Comprehensive FAME Report

### U.S. Department of Labor

#### Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: SAMM Number	State Plan: SAMM Name	State Plan: Data	FY 2021 Further Review Level	FY 2021 Notes
<b>1a</b>	Average number of workdays to initiate complaint inspections (state formula)	13.57	7	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of workdays to initiate complaint inspections (federal formula)	5.07	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	35.99	5	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	5.42	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2021.  The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5a</b>	Average number of violations per inspection with violations by violation type (SWRU)	1.77	+/- 20% of 1.78	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.42 to 2.14 for SWRU.
<b>5b</b>	Average number of violations per inspection with violations by violation type (other)	0.66	+/- 20% of 0.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.73 to 1.09 for OTS.
<b>6</b>	Percent of total	3.34%	+/- 5% of	The further review level is

## Appendix D - FY 2021 State Activity Mandated Measures (SAMM) Report

FY 2021 South Carolina Comprehensive FAME Report

### U.S. Department of Labor

#### Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: SAMM Number	State Plan: SAMM Name	State Plan: Data	FY 2021 Further Review Level	FY 2021 Notes
	inspections in state and local government workplaces		4.92%	based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4.67% to 5.16%.
<b>7a</b>	Planned v. actual inspections (safety)	308	+/- 5% of 250	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 237.50 to 262.50 for safety.
<b>7b</b>	Planned v. actual inspections (health)	81	+/- 5% of 55	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 52.25 to 57.75 for health.
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,592.07	+/- 25% of \$3,100.37	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,325.28 to \$3,875.46.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	\$975.00	+/- 25% of \$2,030.66	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,523.00 to \$2,538.33.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	\$1,341.88	+/- 25% of \$3,632.26	The further review level is based on a three-year national average. The range of acceptable data not requiring

## Appendix D - FY 2021 State Activity Mandated Measures (SAMM) Report

FY 2021 South Carolina Comprehensive FAME Report

### U.S. Department of Labor

#### Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: SAMM Number	State Plan: SAMM Name	State Plan: Data	FY 2021 Further Review Level	FY 2021 Notes
				further review is from \$2,724.20 to \$4,540.33.
	c. Average current serious penalty in private sector (101-250 workers)	\$2,524.72	+/- 25% of \$5,320.16	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,990.12 to \$6,650.20.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,360.79	+/- 25% of \$6,575.70	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,931.78 to \$8,219.63.
<b>9a</b>	Percent in compliance (safety)	21.43%	+/- 20% of 31.65%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 25.32% to 37.98% for safety.
<b>9b</b>	Percent in compliance (health)	62.71%	+/- 20% of 40.64%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 32.51% to 48.77% for health.
<b>10</b>	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
<b>11a</b>	Average lapse time (safety)	57.07	+/- 20% of 52.42	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 41.94 to 62.90 for safety.
<b>11b</b>	Average lapse time (health)	77.82	+/- 20% of 66.10	The further review level is based on a three-year national average. The range of

## Appendix D - FY 2021 State Activity Mandated Measures (SAMM) Report

FY 2021 South Carolina Comprehensive FAME Report

### U.S. Department of Labor

#### Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: SAMM Number	State Plan: SAMM Name	State Plan: Data	FY 2021 Further Review Level	FY 2021 Notes
				acceptable data not requiring further review is from 52.88 to 79.32 for health.
12	Percent penalty retained	82.98%	+/- 15% of 69.08%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 58.72% to 79.44%.
13	Percent of initial inspections with worker walk-around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	8%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	6%	+/- 20% of 20%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 16% to 24%.
16	Average number of calendar days to complete an 11(c) investigation	545	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.43%	+/- 25% of 0.99%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.74% to 1.24%.

## ***Exhibit 3***

Office of Management and Budget, *Civil Monetary  
Penalty Assessments and Collections: 1990 Report to  
Congress and Civil Monetary Penalty Inflation  
Adjustment Report* (Washington, D.C. July 1991)

Office of Management and Budget, Civil Monetary Penalty Assessments and Collections:  
1990 Report to Congress and Civil Monetary Penalty Inflation Adjustment Report (1990),  
NHSTA-2017-0017-0021 (JA38-JA156)

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

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**CIVIL MONETARY PENALTY  
ASSESSMENTS AND COLLECTIONS  
1990 REPORT TO CONGRESS  
AND  
CIVIL MONETARY PENALTY  
INFLATION ADJUSTMENT REPORT**

**REPORTS TO THE CONGRESS**

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JULY 1991

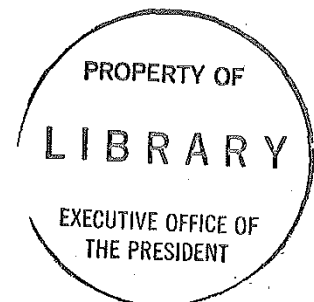
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**CIVIL MONETARY PENALTY  
ASSESSMENTS AND COLLECTIONS  
1990 REPORT TO CONGRESS**

**MAY 1991**



**JA39**

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**CIVIL MONETARY PENALTY  
ASSESSMENTS AND COLLECTIONS, FY 1990**

The Federal Civil Penalties Inflation Adjustment Act of 1990, P.L. 101-410, enacted October 5, 1990, establishes annual reporting requirements for civil monetary penalties (CMPs) assessed and collected each fiscal year. CMPs are non-criminal penalties imposed for violations of Federal law and are defined by law as having a fixed or maximum dollar value. (For a full definition of CMPs, see Appendix I.) This report is the first annual report submitted under the Act.

The purpose of the Act is to provide for the regular evaluation and modification of CMPs to ensure that they continue to perform the deterrent role for which they were originally enacted. The Act also focuses attention on the collection of CMPs to ensure that penalty amounts due the Federal Government are properly accounted for and collected.

In addition to the annual report on penalty assessments and collections, the Act institutes a separate reporting requirement for determining inflation adjustments to civil monetary penalties. The inflation adjustment report, due every five years, will be submitted for the first time in May 1991.

**Annual Reporting Requirement**

The Act requires that the President submit to the Congress an annual report, due January 1 of each year, on CMP assessments and collections.<sup>1</sup> The Act requires, to the extent possible, that the report list for each CMP provision of Federal law:

- o The number and dollar value of all CMPs assessed or imposed during the prior fiscal year; and
- o The number and dollar value of all CMPs collected during the prior fiscal year.

The first annual report on CMPs covers penalty assessments and collections for FY 1990. For this report, the Office of Management and Budget (OMB) is

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<sup>1</sup>The Office of Management and Budget has written to the chairmen of the House Committee on Government Operations and the Senate Committee on Governmental Affairs, requesting an extension for submission of the first annual report.

reporting aggregate assessments and collections by agency, because agency accounting systems are generally not yet able to report data by statute penalty. Reports for subsequent fiscal years will identify assessments and collections activity for each penalty provision in Federal law.

### **Key Issues in Meeting the Annual Reporting Requirement**

For purposes of this report, 24 Federal agencies have reported CMP assessments and collections activity for FY 1990 (see the tables in Appendix II). These data contain major gaps and should be considered preliminary estimates. Additional agencies have cited authority to levy and collect CMPs, while reporting no assessments or collections activity during FY 1990.

In the relatively limited time since passage of the Act, most agencies have not been able to modify their accounting systems to support the specific data requirements of the Act. Some agencies have been unable to provide full and accurate reporting of all CMP assessments and collections. In some cases, agencies have reported the dollar value of assessments and collections, but not the number of assessments and collections. Sometimes, collections data have been found to be readily available, while assessments data have not, or vice versa. A number of different issues involving agency accounting systems have been identified:

- o Few agencies record CMP assessments and collections at the level of detail required by the Act (by specific penalty) in their accounts receivable.<sup>2</sup>
- o Assessments resulting from the levying of penalties are not always recorded in agencies' accounts receivable. Accounting for penalty receivables is problematic for a number of reasons. For example:
  - The size of many proposed penalties is routinely negotiated or only finally determined as a result of extensive administrative or civil court proceedings. As a result, some agencies are uncertain as to when and how to report penalty assessments in agency accounts receivable.

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<sup>2</sup>A "receivable" is an amount owed the Federal Government by an individual, organization, or other entity to satisfy a debt or claim. An amount assessed as a penalty is considered to be a "receivable."

- Sometimes the agency subdivision identifying the regulatory violation (or proposing the penalty) is not the same entity that formally assesses and collects the penalty. For instance, the Defense Department's Office of Inspector General has identified a number of cases that have been referred to Justice's Civil Division for assessment and collection and are, therefore, not formally carried on Defense's financial records.
- o Because many agency accounting systems are not currently able to distinguish CMPs from other types of receivables, some agencies have had to rely on program offices or other sources for some of the data contained in this report. Often, such data have not been reconciled with agencies' financial records.

In some cases, the resulting "data gaps" are minor; in others, they are significant. For example, the Department of Transportation, which collected \$86.0 million -- or 33.9 percent -- of all identified CMP collections, was unable to provide information on its penalty assessments. Similarly, the Treasury Department substantially underreported because the Customs Service was unable to report for FY 1990 and the Internal Revenue Service (IRS) was unable to identify CMP collections.<sup>3</sup>

Another major shortcoming is that the data provide no information on the size of outstanding, uncollected CMP receivables. While total reported collections are nearly equal to assessments, the collections data relate to both FY 1990 and prior year assessments. Outstanding prior year assessments that have not been collected are not reported.

#### Summary of Agency Reports

The following data provide a summary of the reported CMP assessments and collections for FY 1990:

- o A total of 24 Federal agencies reported CMP assessments and collections activity for FY 1990;

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<sup>3</sup>The Customs Service is currently working on resolving its reporting problem and plans to be able to report data for FY 1991. IRS' revenue accounting system captures and reports collections data by gross amount and is therefore unable to provide data that meet the requirements of the Act. OMB is working with the IRS to establish a time frame for meeting the reporting requirements.

- o Agencies identified at least 605,907 assessments and assessed penalty amounts totalling \$292.2 million for the fiscal year;
- o Agencies identified collections of \$254.0 million during FY 1990, with some of the collections related to prior year assessments.

Summary tables providing assessments and collections data by agency appear in Appendix II.

**Planned Corrective Actions**

OMB anticipates improved agency reporting in the future because most agencies will have had time to make accounting system adjustments necessary to meet the reporting requirements under the Act. However, discussions with agency officials suggest that agencies would benefit from additional guidance on financial recordkeeping for CMPs.

In order to improve reporting for FY 1991 and subsequent fiscal years, OMB is recommending that reporting requirements for CMPs be integrated into the Department of the Treasury's financial reporting functions. In addition, OMB will work with Treasury to ensure that the following corrective actions are implemented:

	Corrective Action	Deadline
1.	OMB and Treasury will establish a working group with representatives of agencies with major CMP activity to: 1) identify additional data elements necessary to supplement the reporting requirements for tracking outstanding CMP receivables and collections, and 2) prepare a plan for full implementation of the reporting requirements.	5/31/91
2.	OMB, with Treasury's assistance, will issue guidance to the agencies for purposes of maintaining information on CMP activity sufficient to support the annual reporting requirements.	6/30/91
3.	Treasury will implement a system for data collection and issue reporting instructions to the agencies for the FY 1991 CMP annual report.	9/30/91
4.	Agencies will submit FY 1991 CMP reports to Treasury through its GOALS system.	11/30/91

With the submission of the 1991 inflation adjustment report on CMPs, OMB will provide an update on efforts underway to improve reporting for FY 1991.

**Appendix I - Definition of Civil Monetary Penalties**

### Definition of Civil Monetary Penalties

The Federal Civil Penalties Inflation Adjustment Act of 1990, P.L. 101-410, enacted October 5, 1990, defines a CMP to be any "penalty, fine, or other sanction" for which a given dollar amount or maximum amount is specified by Federal law, and which is assessed or enforced by an agency as a result of an administrative proceeding or a civil action in the Federal courts. Penalties that are defined as a specific dollar amount or maximum (such as "\$2,500 per day," "\$10,000 per violation," and "10 percent of the underreported amount, but no more than \$5,000") are included under the reporting requirements of the Act.

Federal agencies assess and collect CMPs to enforce a wide variety of regulations in areas such as health and safety, transportation safety, environmental hazards, import and export restrictions, land and resource management, tax law enforcement, and lobbying. Most of the Departments and major agencies also are authorized to assess and collect CMPs under the auspices of the Program Fraud Civil Remedies Act (PFCRA).<sup>1</sup>

A search of the U.S. Code indicates that there are about 500 statute sections containing language on civil penalties. Some of these penalties, however, are not definable as "civil monetary penalties," because they are defined entirely as variable or percentage based penalties, and are not addressed in the reporting requirements of the Act.

A 1988 survey conducted by the President's Council on Integrity and Efficiency (PCIE) identifies 200 different statutory, non-tax CMPs, allowing agencies to levy penalties for 251 different types of violations. The identified penalty amounts range from as little as \$10 to at least \$1,000,000. In addition to these non-tax CMPs, the Internal Revenue Service has identified 66 tax-related CMPs.

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<sup>1</sup>The Program Fraud Civil Remedies Act (PFCRA), enacted October 1986, grants authority to each agency's Office of Inspector General to combat fraud by authorizing CMPs to be levied against anyone who makes a false claim or written statement to the Federal Government.

**Appendix II - 1990 Summary Tables**

**CIVIL MONETARY PENALTY  
ASSESSMENTS AND COLLECTIONS, FY 1990**

**Summary Tables**

- Table 1. FY 1990 Civil Monetary Penalty Assessments and Collections Reported -- Listed by Agency in Descending Order, by Dollar Value of Penalty Collections**
- Table 2. FY 1990 Civil Monetary Penalty Assessments and Collections Reported -- Listed Alphabetically by Agency and Major Bureau (or Division)**
- Table 3. Major Agencies Reporting No Civil Monetary Penalty Assessments or Collections for FY 1990 -- Listed Alphabetically by Agency**

**Table 1. FY 1990 Civil Monetary Penalty Assessments and Collections Reported  
-- Listed by Agency in Descending Order, by Dollar Value of Penalty Collections**

AGENCY/BUREAU (OR PROGRAM) NAME	DOLLAR VALUE OF PENALTY ASSESSMENTS REPORTED (\$000)	PERCENT OF REPORTED ASSESS- MENTS	DOLLAR VALUE OF PENALTY COLLECTIONS REPORTED (\$000)	PERCENT OF REPORTED COLLEC- TIONS
DEPARTMENT OF TRANSPORTATION <sup>a</sup>	N/A	N/A	\$86,033.0	33.9%
DEPARTMENT OF LABOR	\$64,989.7	22.2%	\$50,261.8	19.8%
ENVIRONMENTAL PROTECTION AGENCY <sup>b</sup>	\$58,924.3	20.2%	\$39,384.1	15.5%
FEDERAL MARITIME COMMISSION	\$23,937.2	8.2%	\$24,982.9	9.8%
DEPARTMENT OF THE INTERIOR	\$9,527.5	3.3%	\$18,899.9	7.4%
DEPARTMENT OF JUSTICE	\$22,073.6	7.6%	\$15,902.2	6.3%
NUCLEAR REGULATORY COMMISSION	\$3,868.1	1.3%	\$3,748.5	1.5%
FEDERAL COMMUNICATIONS COMMISSION	\$4,129.0	1.4%	\$2,534.0	1.0%
DEPARTMENT OF AGRICULTURE <sup>c</sup>	\$2,192.2	0.8%	\$2,152.0	0.8%
FEDERAL TRADE COMMISSION	\$5,933.5	2.0%	\$1,958.4	0.8%
DEPARTMENT OF THE TREASURY <sup>d</sup>	\$64,544.7	22.1%	\$1,844.4	0.7%
COMMODITY FUTURES TRADING COMMISSION	\$2,175.0	0.7%	\$1,637.0	0.6%
DEPARTMENT OF HEALTH AND HUMAN SERVICES	\$15,978.6	5.5%	\$1,411.6	0.6%
DEPARTMENT OF EDUCATION	\$1,929.8	0.7%	\$781.3	0.3%
CONSUMER PRODUCT SAFETY COMMISSION	\$782.0	0.3%	\$552.0	0.2%
DEPARTMENT OF COMMERCE	\$895.3	0.3%	\$512.6	0.2%
FEDERAL EMERGENCY MANAGEMENT AGENCY	\$572.3	0.2%	\$384.8	0.2%
INTERSTATE COMMERCE COMMISSION	\$361.7	0.1%	\$365.6	0.1%
FEDERAL DEPOSIT INSURANCE CORPORATION	\$5,420.1	1.9%	\$308.0	0.1%
FEDERAL RESERVE SYSTEM	\$3,119.0	1.1%	\$271.0	0.1%
DEPARTMENT OF ENERGY	\$679.1	0.2%	\$64.1	0.0%
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	\$21.0	0.0%	\$21.0	0.0%
U.S. POSTAL SERVICE	\$110.3	0.0%	\$6.7	0.0%
MERIT SYSTEMS PROTECTION BOARD	\$0.8	0.0%	\$0.8	0.0%
TOTAL <sup>e</sup>	\$292,164.9	100.0%	\$254,017.5	100.0%

- a The Department of Transportation is currently unable to report assessments. The reported collections are estimates.
- b The assessments and collections data are as reported by the agency's program offices and are not currently reconcilable with the data reported within the agency's financial systems.
- c The Department's Animal and Plant Health Inspection Service was unable to report for all assessments during the time frame for the report. Therefore, the assessments data substantially undercount the actuals.
- d Treasury assessments and collections are underreported because the Customs Service is unable report for FY 1990 and the Internal Revenue Service, accounting for almost 96 percent of Treasury assessments, is unable to identify CMP collections in its revenue accounting systems.
- e The totals are aggregates of the data reported by the agencies. However, some agencies are unable to identify or report all assessments and collections for FY 1990.

**Table 2. FY 1990 Civil Monetary Penalty Assessments and Collections Reported  
 -- Listed Alphabetically by Agency and Major Bureau (or Division)**

AGENCY/BUREAU (OR PROGRAM) NAME	NUMBER OF TIMES PENALTIES REPORTED ASSESSED	DOLLAR VALUE OF REPORTED PENALTY ASSESSMENTS (\$000)	NUMBER OF TIMES PENALTIES REPORTED COLLECTED	DOLLAR VALUE OF REPORTED PENALTY COLLECTIONS (\$000)
DEPARTMENT OF AGRICULTURE	380	\$2,192.2	24,445	\$2,152.0
AGRICULTURAL MARKETING SERVICE	27	\$43.9	23	\$35.3
ANIMAL AND PLANT HEALTH INSPECTION SERVICE <sup>a</sup>	153	\$254.5	24,060	\$1,017.3
FOOD AND NUTRITION SERVICE	132	\$1,285.5	234	\$531.6
PACKERS AND STOCKYARDS ADMINISTRATION	68	\$608.5	128	\$567.8
DEPARTMENT OF COMMERCE	400	\$895.3	337	\$512.6
BUREAU OF EXPORT ADMINISTRATION	16	\$628.0	14	\$300.0
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	384	\$267.3	323	\$212.6
COMMODITY FUTURES TRADING COMMISSION	47	\$2,175.0	58	\$1,637.0
CONSUMER PRODUCT SAFETY COMMISSION	8	\$782.0	9	\$552.0
DEPARTMENT OF EDUCATION	232	\$1,929.8	214	\$781.3
OFFICE OF POSTSECONDARY EDUCATION	232	\$1,929.8	214	\$781.3
DEPARTMENT OF ENERGY	6	\$679.1	4	\$64.1
FEDERAL ENERGY REGULATORY COMMISSION	6	\$679.1	4	\$64.1
ENVIRONMENTAL PROTECTION AGENCY <sup>b</sup>	N/A	\$58,924.3	N/A	\$39,384.1
FEDERAL COMMUNICATIONS COMMISSION	944	\$4,129.0	647	\$2,534.0
COMMON CARRIER BUREAU	45	\$2,689.0	43	\$1,666.0
FIELD OPERATIONS BUREAU	810	\$896.0	541	\$548.0
MASS MEDIA BUREAU	68	\$528.0	54	\$307.0
PRIVATE RADIO BUREAU	21	\$16.0	9	\$13.0
FEDERAL DEPOSIT INSURANCE CORPORATION	28	\$5,420.1	26	\$308.0
FEDERAL EMERGENCY MANAGEMENT AGENCY	2	\$572.3	1	\$384.8

(continued)

(Table 2, Continued)

AGENCY/BUREAU (OR PROGRAM) NAME	NUMBER OF TIMES PENALTIES REPORTED ASSESSED	DOLLAR VALUE OF REPORTED PENALTY ASSESSMENTS (\$000)	NUMBER OF TIMES PENALTIES REPORTED COLLECTED	DOLLAR VALUE OF REPORTED PENALTY COLLECTIONS (\$000)
FEDERAL MARITIME COMMISSION	N/A	\$23,937.2	N/A	\$24,982.9
FEDERAL RESERVE SYSTEM	21	\$3,119.0	6	\$271.0
FEDERAL TRADE COMMISSION	32	\$5,933.5	35	\$1,958.4
BUREAU OF CONSUMER PROTECTION	31	\$1,933.5	35	\$1,958.4
BUREAU OF COMPETITION	1	\$4,000.0	N/A	N/A
DEPARTMENT OF HEALTH AND HUMAN SERVICES <sup>c</sup>	76	\$15,978.6	106	\$1,411.6
HEALTH CARE FINANCING ADMINISTRATION	N/A	N/A	106	\$1,411.6
OFFICE OF THE INSPECTOR GENERAL	76	\$15,978.6	N/A	N/A
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	21	\$21.0	21	\$21.0
OFFICE OF MANUFACTURED HOUSING & REGULATORY FUNCTIONS	21	\$21.0	21	\$21.0
DEPARTMENT OF THE INTERIOR	3,355	\$9,527.5	1,823	\$18,899.9
BUREAU OF LAND MANAGEMENT	173	\$81.4	138	\$65.1
FISH & WILDLIFE SERVICE	670	\$272.3	N/A	\$7,451.7
MINERALS MANAGEMENT SERVICE	2,081	\$524.3	1,500	\$10,579.3
OFFICE OF SURFACE MINING RECLAMATION ENFORCEMENT	431	\$8,649.6	185	\$803.8
INTERSTATE COMMERCE COMMISSION	42	\$361.7	52	\$365.6
DEPARTMENT OF JUSTICE	14,281	\$22,073.6	14,477	\$15,902.2
ANTITRUST DIVISION	1	\$275.0	1	\$275.0
CIVIL DIVISION	47	\$3,933.4	46	\$2,858.9
IMMIGRATION & NATURALIZATION SERVICE	14,233	\$17,865.2	14,430	\$12,768.3
DEPARTMENT OF LABOR	186,459	\$64,989.7	166,733	\$50,261.8
EMPLOYMENT STANDARDS ADMINISTRATION	2,651	\$9,999.2	2,417	\$5,702.0
MINE SAFETY AND HEALTH ADMINISTRATION	151,947	\$17,979.1	138,062	\$14,842.8
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION	31,861	\$37,011.4	26,254	\$29,717.0

(continued)

(Table 2, Continued)

AGENCY/BUREAU (OR PROGRAM) NAME	NUMBER OF TIMES PENALTIES REPORTED ASSESSED	DOLLAR VALUE OF REPORTED PENALTY ASSESSMENTS (\$000)	NUMBER OF TIMES PENALTIES REPORTED COLLECTED	DOLLAR VALUE OF REPORTED PENALTY COLLECTIONS (\$000)
MERIT SYSTEMS PROTECTION BOARD	1	\$0.8	1	\$0.8
NUCLEAR REGULATORY COMMISSION	92	\$3,868.1	98	\$3,748.5
U.S. POSTAL SERVICE	19	\$110.3	2	\$6.7
DEPARTMENT OF TRANSPORTATION <sup>d</sup>	N/A	N/A	N/A	\$86,033.0
FEDERAL AVIATION ADMINISTRATION	N/A	N/A	N/A	\$2,498.6
FEDERAL HIGHWAY ADMINISTRATION	N/A	N/A	N/A	\$6,678.5
FEDERAL RAILROAD ADMINISTRATION	N/A	N/A	N/A	\$5,257.6
MARITIME ADMINISTRATION	N/A	N/A	N/A	\$1,597.6
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION	N/A	N/A	N/A	\$64,344.8
U.S. COAST GUARD	N/A	N/A	N/A	\$5,656.0
DEPARTMENT OF THE TREASURY	399,461	\$64,544.7	232	\$1,844.4
INTERNAL REVENUE SERVICE <sup>e</sup>	399,290	\$61,736.6	N/A	N/A
U.S. CUSTOMS SERVICE <sup>f</sup>	N/A	N/A	N/A	N/A
OFFICE OF THE COMPTROLLER OF THE CURRENCY	151	\$1,037.7	213	\$441.9
OFFICE OF ENFORCEMENT	5	\$1,489.0	4	\$1,121.0
OFFICE OF THRIFT SUPERVISION	15	\$281.5	15	\$281.5
TOTAL <sup>g</sup>	605,907	\$292,164.9	209,327	\$254,017.5

- a The agency was unable to report for all assessments during the time frame for the report. Therefore, the assessments data substantially undercount the actuals.
- b The assessments and collections data are as reported by the agency's program offices and are not currently reconcilable with the data reported within the agency's financial systems.
- c The Health Care Financing Administration collects penalties levied by the Office of the Inspector General.
- d The Department of Transportation is currently unable to report assessments. The reported collections are estimates.
- e The IRS is currently unable to report collections on penalty assessments. The assessments reported are pre-abatement. Net penalty assessments, following abatement, are considerably lower.
- f The Customs Service assesses and collects civil monetary penalties, but is unable to report for FY 1990.
- g The totals are aggregates of the data reported by the agencies. However, some agencies are unable to identify or report all assessments and collections for FY 1990. Also, in some cases, agencies were able to report the dollar value of assessments and collections, but could not identify the number of assessments and collections.

**Table 3. Major Agencies Reporting No Civil Monetary Penalty Assessments or Collections for FY 1990 -- Listed Alphabetically by Agency**

AGENCY NAME	REASON
ACTION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
AGENCY FOR INTERNATIONAL DEVELOPMENT	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
DEPARTMENT OF DEFENSE	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
EXPORT-IMPORT BANK	REPORTED NO STATUTORY AUTHORITY
FARM CREDIT ADMINISTRATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
FEDERAL ELECTIONS COMMISSION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
U.S. GENERAL ACCOUNTING OFFICE	REPORTED NO STATUTORY AUTHORITY
GENERAL SERVICES ADMINISTRATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
INTERNATIONAL TRADE COMMISSION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
NATIONAL CREDIT UNION ADMINISTRATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
OFFICE OF PERSONNEL MANAGEMENT	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
OVERSEAS PRIVATE INVESTMENT CORPORATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
PEACE CORPS	REPORTED NO STATUTORY AUTHORITY
RAILROAD RETIREMENT BOARD	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
RESOLUTION TRUST CORPORATION	REPORTED NO STATUTORY AUTHORITY
SMALL BUSINESS ADMINISTRATION	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
STATE DEPARTMENT	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY
DEPARTMENT OF VETERANS AFFAIRS	REPORTED NO ASSESSMENTS/COLLECTIONS ACTIVITY

**CIVIL MONETARY PENALTY  
INFLATION ADJUSTMENT REPORT**

**JULY 1991**

**CIVIL MONETARY PENALTY  
INFLATION ADJUSTMENT REPORT**

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the "Act"), P.L. 101-410, enacted October 5, 1990, establishes regular reporting requirements for civil monetary penalties (CMPs). The purpose of the Act is two-fold: (1) to provide a source of revenue enhancements through the regular inflation adjustment of civil penalty authorities in Federal law, and (2) to insure that CMPs continue to have the deterrent value for which they were originally enacted.

The Act requires that the President submit a report to the Congress every five years identifying all applicable penalties and providing inflation adjustments for those that have not been adjusted by law in the last five years. The Act defines a CMP to be any "penalty, fine, or other sanction" for which a given dollar amount or maximum amount is specified by Federal law, and which is assessed or enforced by an agency as a result of an administrative proceeding or a civil action in the Federal courts. Penalties that are defined as a specific dollar amount or maximum (such as "\$2,500 per day," "\$10,000 per violation," and "10 percent of the gross value, but no more than \$5,000") are included under the reporting requirements of the Act. This report is the first inflation adjustment report due under the Act.

In response to an OMB data call, 41 Federal agencies reported CMP penalty authorities. This report, which is a compilation of the submissions of those agencies, contains three parts:

- **EXHIBIT 1 (Civil Monetary Penalty Authorities Identified by Federal Agencies)** is an inventory of existing civil monetary penalty authorities listed in Federal law, including for each provision: the legal citation, description, the year the penalty was last modified or set by law, a description of how the penalty is applied, and an indication as to whether inflation adjustment of the penalty is appropriate (as defined by the Act).
- **EXHIBIT 2 (Civil Monetary Penalty Inflation Adjustments)** provides the penalty values following the inflation adjustment methodology set forth in the Act -- including both "raw" values (before rounding) and the values rounded according to the instructions set forth in the Act.<sup>1</sup>
- **EXHIBIT 3 (Law Modifications Necessary to Enact Civil Monetary Penalty Inflation Adjustments)** provides the changes to existing law that would be required to provide an inflation adjustment for civil monetary penalties.

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<sup>1</sup>The Act specifies that the inflation adjustments be based on the Consumer Price Index for All Urban Consumers (CPI-U). However, this index is available only back to 1913, and other indices for prior years are incompatible. As a result, the adjustments for the few penalties in which the last adjustment occurred prior to 1913 are calculated as though the adjustment occurred in 1913.

**Exhibit 1**

**Civil Monetary Penalty Authorities Identified by Federal Agencies**

EXHIBIT 1--CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW	LAW MODIFICATION APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
<b>U.S. DEPT. OF AGRICULTURE</b>							
<b>AGRICULTURAL MARKETING SERVICE</b>							
7 USC 498a(5)	VIOLATION OF UNFAIR CONDUCT	NA	\$2,000	PER VIOLATION	1974	YES	YES
7 USC 499c(e)	VIOLATION OF LICENSING REQUIREMENTS	NA	\$25	PER VIOLATION	1937	YES	YES
7 USC 499c(f)	VIOLATION OF LICENSING REQUIREMENTS	NA	\$500	PER VIOLATION PLUS	1978	YES	YES
		NA	\$25	PER DAY OF CONTINUANCE	1978	YES	YES
7 USC 608c(14)(B)	VIOLATION OF PROGRAM	NA	\$1,000	PER DAY	1987	NO	SEE NOTE (1)
7 USC 610(h)	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	PER DAY	1914	YES	YES
7 USC 1596(b)	VIOLATION OF PROGRAM	\$25	\$500	PER VIOLATION	1956	YES	YES
7 USC 2112(b)	VIOLATION OF PROGRAM	NA	\$1,000	PER VIOLATION	1968	YES	YES
7 USC 2621(b)(1)	FAILURE TO PAY ASSESSMENTS	\$500	\$5,000	PER VIOLATION	1982	YES	YES
7 USC 2621(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	PER DAY	1982	YES	YES
7 USC 2714(b)(1)	VIOLATION OF PROGRAM	NA	\$5,000	PER VIOLATION	1980	YES	YES
7 USC 2714(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	PER DAY	1980	YES	YES
7 USC 2808(a)(2)	VIOLATION OF PROGRAM	NA	\$500	PER DAY	1980	YES	YES
7 USC 3410(b)	VIOLATION OF PROGRAM	NA	\$5,000	PER VIOLATION	1976	YES	YES
7 USC 4314(b)(1)	VIOLATION OF PROGRAM	NA	\$1,000	PER VIOLATION	1977	YES	YES
7 USC 4314(b)(2)	FAILURE TO OBEY CEASE & DESIST	\$500	\$5,000	PER VIOLATION	1981	YES	YES
7 USC 4314(b)(3)	VIOLATION OF PROGRAM	NA	\$500	PER DAY	1981	YES	YES
7 USC 4510(b)	VIOLATION OF PROGRAM	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
7 USC 4610(b)(1)	VIOLATION OF PROGRAM	\$500	\$5,000	PER VIOLATION	1984	YES	YES
7 USC 4610(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	PER DAY	1984	YES	YES
7 USC 4610(b)(3)	VIOLATION OF PROGRAM	NA	\$1,000	PER VIOLATION	1985	NO	SEE NOTE (2)
7 USC 4615(b)(1)(A)(i)	VIOLATION OF PROGRAM	NA	\$1,000	PER VIOLATION	1985	YES	YES
7 USC 4615(b)(1)(A)(ii)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	PER DAY	1985	YES	YES
7 USC 4610(b)(1)	VIOLATION OF PROGRAM	\$500	\$5,000	PER VIOLATION	1985	YES	YES
7 USC 4910(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	PER DAY	1985	YES	YES
21 USC 1051	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	PER DAY	1914	YES	YES
<b>U.S. DEPT. OF AGRICULTURE</b>							
<b>ANIMAL AND PLANT HEALTH INSPECTION SERVICE</b>							
7 USC 1495(2)	VIOLATION OF PLANT & PEST QUARANTINE REGS.	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
7 USC 1503a(b)	VIOLATIONS OF THE FEDERAL PLANT PEST ACT	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
7 USC 183	ALTERATIONS OF CERTIFICATES	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
7 USC 1596(b)	VIOLATIONS OF FEDERAL SEED ACT	\$25	\$500	PER VIOLATION	1956	YES	YES
7 USC 2149(b)	FAILURE TO OBEY CEASE & DESIST ORDER	NA	\$1,500	PER VIOLATION	1985	YES	YES
7 USC 2149(c)	VIOLATION OF ANIMAL WELFARE ACT	NA	\$2,500	PER VIOLATION	1985	YES	YES
7 USC 3905(4)	VIOLATIONS OF SWINE HEALTH PROTECTION ACT	NA	\$10,000	PER VIOLATION	1980	YES	YES
15 USC 1825(b)(1)	HORSE PROTECTION ACT VIOLATIONS	NA	\$2,000	PER VIOLATION	1976	YES	YES
15 USC 1825(c)	FAILURE TO OBEY HORSE PROTECT. ACT DISQUALS.	NA	\$3,000	PER VIOLATION	1976	YES	YES
15 USC 1825(e)	EXHIBITION OF DISQUALIFIED HORSE	NA	\$3,000	PER VIOLATION	1976	YES	YES
21 USC 104	VIOLATIONS OF ANIMAL QUARANTINE REGULATIONS	NA	\$1,000	PER VIOLATION	1976	YES	YES
21 USC 117(b)	VIOLATIONS OF ANIMAL INDUSTRY ACT	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
21 USC 122	VIOLATIONS OF CATTLE CONTAGIOUS DISEASE ACT	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW	TEXT OF LAW MODIFICATION PROVIDED
21 USC 127	TRANSPORTATION OF QUARANTINED ANIMALS	NA	\$1,000	PER VIOLATION	1983	NO SEE NOTE (2)
21 USC 1344(a)(2)	TRANSPORTATION OF QUARANTINED PRODUCTS	NA	\$1,000	PER VIOLATION	1983	NO SEE NOTE (2)
21 USC 1354(b)	MOVEMENT OF QUARANTINED ANIMALS	NA	\$1,000	PER VIOLATION	1983	NO SEE NOTE (2)
<b>U.S. DEPT. OF AGRICULTURE</b>						
<b>FEDERAL GRAIN INSPECTION SERVICE</b>						
7 USC 89(c)	TO DEFER VIOLATIONS OF SEC.13 OF USGSA	NA	\$75,000	PER VIOLATION	1976	YES YES
<b>U.S. DEPT. OF AGRICULTURE</b>						
<b>FOOD AND NUTRITION SERVICE</b>						
7 USC 2011-2031	TRANSFER OF OWNERSHIP TO AVOID A SANCTION	NA	\$10,000	PER VIOLATION	1987	NO SEE NOTE (1)
7 USC 2021(e)	HARDSHIP FINE IN LIEU OF DISQUALIFICATION	NA	\$10,000	PER VIOLATION	1982	YES YES
7 USC 2021(b)(3)(B)	TRAFFICKING IN FOOD COUPONS	NA	\$20,000	PER INVESTIGATION	1988	NO SEE NOTE (1)
<b>U.S. DEPT. OF AGRICULTURE</b>						
<b>FOOD SAFETY AND INSPECTION SERVICE</b>						
21 USC 467(g)	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	PER DAY	1914	YES YES
21 USC 677	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	PER DAY	1914	YES YES
<b>U.S. DEPT. OF AGRICULTURE</b>						
<b>FOREST SERVICE</b>						
16 USC 820d(c)	VIOLATIONS OF EXPORT OF UNPROCESSED TIMBER	NA	\$500,000	PER VIOLATION	1990	NO SEE NOTE (1)
16 USC 820d(e)	OTHER VIOLATIONS	NA	\$75,000	PER VIOLATION	1990	NO SEE NOTE (1)
16 USC 820d(g)	OTHER VIOLATIONS	NA	\$50,000	PER VIOLATION	1990	NO SEE NOTE (1)
16 USC 820d(c)	OTHER VIOLATIONS	NA	\$500,000	PER VIOLATION	1990	NO SEE NOTE (1)
16 USC 4307	VIOLATIONS INVOLVING PROTECTION OF CAVES	NA	\$10,000	PER VIOLATION	1988	NO SEE NOTE (1)
<b>U.S. DEPT. OF AGRICULTURE</b>						
<b>PACKERS AND STOCKYARDS ADMINISTRATION</b>						
7 USC 193(b)	PACKER VARIOUS VIOLATIONS	NA	\$10,000	PER VIOLATION	1976	YES YES
7 USC 203	LIVESTOCK MARKET AGENCY, DEALER, FAILURE TO REGISTER	NA	\$500	PER OFFENSE PLUS PER DAY	1921	YES YES
7 USC 207(g)	STOCKYARD RATE, REGULATION OR PRACTICE VIOLATIONS	NA	\$25	PER DAY	1921	YES YES
7 USC 213(b)	STOCKYARD OWNER, LIVESTOCK MARKET AGENCY, DEALER VARIOUS VIOLATIONS	NA	\$500	PER OFFENSE PLUS PER DAY	1921	YES YES
7 USC 216(a)	STOCKYARD OWNER, LIVESTOCK MARKET AGENCY, DEALER COMPLIANCE ORDER VIOLATION	NA	\$10,000	PER VIOLATION	1976	YES YES
7 USC 222	FAILURE TO FILE REQUIRED REPORTS	NA	\$500	PER OFFENSE PER DAY	1921	YES YES
7 USC 228b-2(b)	LIVE POULTRY DEALER VARIOUS VIOLATIONS	NA	\$100	PER DAY	1914	YES YES
7 USC 228b-2(b)	LIVE POULTRY DEALER VARIOUS VIOLATIONS	NA	\$20,000	PER VIOLATION	1987	NO SEE NOTE (1)

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U.S. DEPT. OF AGRICULTURE ALL BUREAUS							
40 USC 328	WORK HOURS AND SAFETY VIOLATIONS	NA	\$10	PER DAY	1962	YES	YES
ALASKA NATURAL GAS TRANSPORTATION SYSTEM							
15 USC 719(a)(2)	COMPLIANCE ORDER VIOLATION	NA	\$25,000	PER DAY	1976	YES	YES
U.S. DEPT. OF COMMERCE BUREAU OF EXPORT ADMINISTRATION							
50 USC APP. 2410(c)	NON-NATL SECURITY VIOLATION/EXPORT ADMINISTRATION ACT	NA	\$10,000	PER VIOLATION	1977	YES	YES
50 USC APP. 2410(c)	NATL SECURITY VIOLATION/EXPORT ADMIN. ACT & SECT 38 ARMS EXPORT CNTL ACT	NA	\$100,000	PER VIOLATION	1981	YES	YES
U.S. DEPT. OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION							
19 USC 2349	TRADE ACT OF 1974/FALSE STATEMENTS OR SUBMISSIONS W/APPLICATIONS FOR ASSISTAN	NA	\$5,000	PER VIOLATION	1975	YES	YES
42 USC 3220(a)	PUBLIC WORKS & ECON. DEV. ACT OF 1965/FALSE STATEMENT OR SUBMISSION W/APPLICATI	NA	\$10,000	PER VIOLATION	1965	YES	YES
42 USC 3220(b)	PUBLIC WORKS & ECON. DEV. ACT OF 1965/FRAUD OR RELEASE OF UNAUTHORIZED INFO	NA	\$10,000	PER VIOLATION	1965	YES	YES
U.S. DEPT. OF COMMERCE ECONOMICS AND STATISTICS ADMINISTRATION							
13 USC 304	DELINQUENCY ON DELAYED FILING OF EXPORT DOCUMENTATION	NA	\$100	PER DAY OF DELINQUENCY UP TO	1962	YES	YES
13 USC 305	COLLECTION OF FOREIGN TRADE STATISTICS/VIOLATIONS	NA	\$1,000	TOTAL	1962	YES	YES
22 USC 3105(e)	INTL INVESTMENT & TRADE IN SERVICES ACT/FAILURE TO FURNISH INFO	NA	\$2,500	PER VIOLATION	1962	YES	YES
U.S. DEPT. OF COMMERCE IMPORT ADMINISTRATION							
19 USC 81e	FOREIGN TRADE ZONE VIOLATION	NA	\$1,000	PER VIOLATION PER DAY	1984	YES	YES
19 USC 1677(i)(9)(4)	U.S.-CANADA FTA PROTECTIVE ORDER VIOLATION	NA	\$100,000	PER VIOLATION PER DAY	1988	NO	SEE NOTE (1)
U.S. DEPT. OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION							
15 USC 4243(a)(9)	LAND REMOTE-SENSING COMMERCIALIZATION ACT/VIOLATIONS	NA	\$10,000	PER VIOLATION PER DAY	1984	YES	YES
16 USC 773(a)	NORTHERN PACIFIC HALIBUT ACT OF 1982/VIOLATIONS	NA	\$25,000	PER VIOLATION PER DAY	1982	YES	YES
16 USC 783	SPONGE ACT VIOLATIONS/CATCHING OR TAKING W/IN SPEC. AREAS	NA	\$500	PER VIOLATION	1914	YES	YES

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16 USC 967	TUNA CONVENTION ACT OF 1950						
	--VIOLATION/SUBSECTION (c)	NA	\$100,000	PER VIOLATION	1982	YES	YES
	--VIOLATION/SUBSECTION (a)	NA	\$25,000	PER VIOLATION	1982	YES	YES
	--VIOLATION/SUBSECTION (b)	NA	\$1,000	PER VIOLATION	1982	YES	YES
	--SUBSEQUENT VIOLATION/SUBSECTION (a)	NA	\$50,000	PER VIOLATION	1982	YES	YES
	--SUBSEQUENT VIOLATION/SUBSECTION (b)	NA	\$5,000	PER VIOLATION	1982	YES	YES
16 USC 971(a)(1)	ATLANTIC TUNA CONVENTION ACT OF 1975						
	--SUBSEQUENT VIOLATION/SUBSECTION (a)	NA	\$50,000	PER VIOLATION	1975	YES	YES
	--VIOLATION/SUBSECTION (c)	NA	\$100,000	PER VIOLATION	1975	YES	YES
	--VIOLATION/SUBSECTION (a)	NA	\$25,000	PER VIOLATION	1975	YES	YES
	--SUBSEQUENT VIOLATION/SUBSECTION (b) OR (c)	NA	\$5,000	PER VIOLATION	1975	YES	YES
	--VIOLATION/SUBSECTION (b) OR (c)	NA	\$1,000	PER VIOLATION	1975	YES	YES
16 USC 972(b)	EASTERN PACIFIC TUNA LICENSING ACT						
	--VIOLATIONS/SUBSECTIONS (a)(1)-(9)	NA	\$25,000	PER VIOLATION	1984	YES	YES
	--VIOLATIONS/SUBSECTIONS (a)(1)-(9)	NA	\$5,000	PER VIOLATION	1984	YES	YES
	--SUBSEQUENT VIOLATIONS/SUBSECTIONS (a)(1)-(9)	NA	\$50,000	PER VIOLATION	1984	YES	YES
	--VIOLATIONS/SUBSECTIONS (a)(9)	NA	\$100,000	PER VIOLATION	1984	YES	YES
16 USC 9731	SOUTH PACIFIC TUNA FISHING VIOLATIONS						
16 USC 1030(a)(1)	NORTH PACIFIC FISHERIES ACT OF 1954 VIOLATIONS						
16 USC 1375(a)(1)	MARINE MAMMAL PROTECTION ACT OF 1972 VIOLATIONS						
16 USC 1437(c)(1)	MARINE PROTECTION, RESEARCH & SANCTUARIES ACT VIOLATIONS						
16 USC 1462(a)	DEEP SEABED HARD MINERAL RESOURCES ACT VIOLATION						
16 USC 1540(a)(1)	ENDANGERED SPECIES ACT OF 1973						
	--VIOLATIONS	NA	\$25,000	PER VIOLATION PER DAY	1988	NO	SEE NOTE (1)
	--OTHER VIOLATIONS	NA	\$500	PER VIOLATION	1988	NO	SEE NOTE (1)
	--VIOLATIONS	NA	\$12,000	PER VIOLATION	1988	NO	SEE NOTE (1)
16 USC 1851 Note (Sec.5)(c)(1)	ATLANTIC STRIPED BASS CONSERVATION ACT VIOLATION						
16 USC 1858	MAGNUSON FISHERY CONSERVATION & MGMT. ACT VIOLATIONS						
16 USC 2437(a)(1)	ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT						
	--KNOWING VIOLATION	NA	\$100,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
	--VIOLATION	NA	\$10,000	PER VIOLATION PER DAY	1984	YES	YES
16 USC 3373(a)	LACEY ACT						
	--VIOLATIONS POSSESSION, SALE, TRANSPORT OF FISH/PLANTS/WILDLIFE	NA	\$5,000	PER VIOLATION PER DAY	1984	YES	YES
	--MARKING VIOLATIONS OF FISH/PLANTS/WILDLIFE	NA	\$10,000	PER VIOLATION	1981	YES	YES
16 USC 3606	ATLANTIC SALMON CONVENTION ACT OF 1982 VIOLATION						
16 USC 3637	PACIFIC SALMON TREATY ACT OF 1985 VIOLATIONS						
U.S. DEPT. OF COMMERCE							
U.S. TRAVEL AND TOURISM ADMINISTRATION							
22 USC 2126(a)	INTL. TRAVEL ACT OF 1981 AS AMENDED/PENALTY	NA	\$5,000	PER VIOLATION PER DAY	1980	NO	SEE NOTE (1)

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<b>COMMODITY FUTURES TRADING COMMISSION</b>							
7 USC 9	VIOLATION OF THE ACT OR RULES THEREUNDER SIMILAR VIOLATIONS BY CONTRACT MARKETS	NA	\$100,000	PER VIOLATION	1974	YES	YES
7 USC 13a		NA	\$100,000	PER VIOLATION	1974	YES	YES
<b>CONSUMER PRODUCT SAFETY COMMISSION</b>							
15 USC 45(f)	VIOLATION OF CEASE AND DESIST ORDER	NA	\$10,000	PER VIOLATION PER DAY	1973	YES	YES
15 USC 45(m)	VIOLATION OF CEASE AND DESIST ORDER	NA	\$10,000	PER VIOLATION	1973	YES	YES
15 USC 1194(e)	VIOLATION OF REGULATION OR STANDARD	NA	\$1,250,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
15 USC 1284(c)	VIOLATION OF PROHIBITED ACT	NA	\$1,250,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
15 USC 2059	VIOLATION OF PROHIBITED ACT	NA	\$1,250,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
<b>U.S. DEPT. OF DEFENSE</b>							
5 USC APP 6 104	FAILURE TO FILE/FILING FALSE REPTS (FIN DISCLOSURE)	NA	\$10,000	PER REPORT	1989	NO	SEE NOTE (1)
10 USC 1094(g)(1)	UNLAWFUL PROVISION OF HEALTH CARE	NA	\$5,000	PER VIOLATION	1985	YES	YES
10 USC 1102(k)	WRONGFUL DISCLOSURE—MEDICAL RECORDS	NA	\$3,000	1ST OFFENSE	1986	NO	SEE NOTE (1)
		NA	\$20,000	SUBSEQUENT OFFENSE	1986	NO	SEE NOTE (1)
10 USC 2324	SETTLEMENT OF UNALLOWABLE COSTS	NA	\$10,000	PER PROPOSAL	1985	NO	SEE NOTE (2)
10 USC 2397a	FAILURE TO REPORT DEFENSE CONTRACTOR EMPLOYMENT	NA	\$250,000	PER VIOLATION	1985	YES	YES
10 USC 2397b(1)	FORMER PROCUREMENT OFFICIAL ACCEPTING COMPENSATION	NA	\$500,000	PER VIOLATION	1985	YES	YES
10 USC 2397b(2)	CONTRACTOR OFFERING COMPENSATION TO PROC. OFFICIAL	NA	\$100,000	PER VIOLATION	1985	NO	SEE NOTE (1)
10 USC 2397c	CONTRACTOR NOT REPORTING EMPLOYMENT OF GOV OFF	NA	\$10,000	PER VIOLATION	1985	NO	SEE NOTE (1)
31 USC 1352	USE OF APPROPRIATED FUNDS TO INFLUENCE CONTRACT	\$10,000	\$1,000	PER VIOLATION	1985	YES	YES
31 USC 3721(f)	PERSONAL PROPERTY LOSS CLAIMS FROM GOVT PERSONNEL	NA	\$5,000	PER CLAIM	1988	NO	SEE NOTE (1)
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER STATEMENT	1986	NO	SEE NOTE (1)
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT	1986	NO	SEE NOTE (1)
<b>U.S. DEPT. OF DEFENSE</b>							
<b>U.S. ARMY CORPS OF ENGINEERS</b>							
33 USC 1319g(2)(A)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS I	NA	\$10,000	PER VIOLATION	1987	NO	SEE NOTE (1)
33 USC 1319g(2)(A)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS I	NA	\$25,000	PER PENALTY	1987	NO	SEE NOTE (1)
33 USC 1319g(2)(B)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS III	NA	\$10,000	PER DAY	1987	NO	SEE NOTE (1)
33 USC 1319g(2)(B)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS II	NA	\$125,000	PER PENALTY	1987	NO	SEE NOTE (1)
<b>U.S. DEPT. OF EDUCATION</b>							
20 USC 1094(c)(2)(B)(i)	INSTITUTION VIOLATING TITLE IV OF HIGHER EDUCATION ACT/ OR MISREPRESENTATION OF	NA	\$25,000	PER VIOLATION	1980	YES	YES
20 USC 1092(d)	LENDERS & GUARANTEE AGENCIES/UNCORRECTED VIOLATIONS, FAILURES, MISREPRESENT	NA	\$25,000	PER VIOLATION	1986	NO	SEE NOTE (1)

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<b>U.S. DEPT. OF ENERGY</b>							
<b>FEDERAL ENERGY REGULATORY COMMISSION</b>							
15 USC 3414(b)(9)(A)(1988)	NATURAL GAS POLICY ACT/VIOLATIONS	NA	\$5,000 PER DAY	1978 YES	1978 YES	YES	SEE NOTE (1)
16 USC 825n(a)(1988)	FEDERAL POWER ACT/VIOLATIONS INVOLVING WILLFUL FAILURE WITH PRESCRIBED TIME	NA	\$1,000 PER DAY	1985 YES	1985 YES	YES	SEE NOTE (1)
17 USC 823b(e)(1988)	FEDERAL POWER ACT/VIOLATIONS BY LICENSEE, PERMITTEE, EXEMPTTEE	NA	\$10,000 PER DAY	1986 NO	1986 NO	YES	SEE NOTE (1)
49 USC 6101(1988)	INTERSTATE COMMERCE ACT/VIOLATIONS INVOLVING OIL PIPELINES	NA	\$500 PER VIOLATION AND \$25 PER DAY	1910 YES	1910 YES	YES	SEE NOTE (1)
<b>ENVIRONMENTAL PROTECTION AGENCY</b>							
7 USC 138	FEDERAL INSECTICIDE, FUNGICIDE, & RODENTICIDE ACT CIVIL PENALTY	NA	\$5,000 PER VIOLATION	1978 YES	1978 YES	YES	SEE NOTE (1)
15 USC 2401	ASBESTOS HAZARD EMERGENCY RESPONSE ACT CIVIL PENALTY	NA	\$5,000 PER VIOLATION	1986 NO	1986 NO	YES	SEE NOTE (1)
15 USC 2801	TOXIC SUBSTANCES CONTROL ACT CIVIL PENALTY	NA	\$25,000 PER VIOLATION PER DAY	1978 YES	1978 YES	YES	SEE NOTE (1)
31 USC 3602(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000 PER CLAIM	1986 NO	1986 NO	YES	SEE NOTE (1)
31 USC 3602(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000 PER STATEMENT	1986 NO	1986 NO	YES	SEE NOTE (1)
33 USC 1318(a)(2)(A)	CLEAN WATER ACT VIOLATION/JUDICIAL PENALTY	NA	\$25,000 PER VIOLATION PER DAY	1987 NO	1987 NO	YES	SEE NOTE (1)
33 USC 1318(a)(2)(B)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY	NA	\$25,000 PER VIOLATION	1987 NO	1987 NO	YES	SEE NOTE (1)
33 USC 1321(b)(7)(A)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY	NA	\$125,000 PER VIOLATION	1990 NO	1990 NO	YES	SEE NOTE (1)
33 USC 1321(b)(7)(B)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY	NA	\$25,000 PER DAY	1990 NO	1990 NO	YES	SEE NOTE (1)
33 USC 1321(b)(7)(C)	CLEAN WATER ACT VIOLATION/JUDICIAL PENALTY OF SEC 311(D)(3)&(D)	NA	\$25,000 PER DAY OF VIOLATION	1990 NO	1990 NO	YES	SEE NOTE (1)
33 USC 1321(b)(7)(D)	CLEAN WATER ACT VIOLATION/JUDICIAL PENALTY OF SEC 311(E)&(1)(B)	NA	\$25,000 PER DAY OF VIOLATION	1990 NO	1990 NO	YES	SEE NOTE (1)
33 USC 1321(b)(7)(E)	CLEAN WATER ACT VIOLATION/JUDICIAL PENALTY OF SEC 311(F)	NA	\$25,000 PER DAY OF VIOLATION	1990 NO	1990 NO	YES	SEE NOTE (1)
42 USC 300g-3(a)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(C)	\$5,000	\$100,000 PER BARREL OF OIL	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300g-3(b)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(G)	NA	\$25,000 PER VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300g-3(c)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(G)	NA	\$25,000 PER DAY OF VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300h-2(a)(1)	CIVIL ADMIN PENALTY/VIOLATIONS OF REQS — UNDERGROUND INJECTION CONTROL	NA	\$25,000 PER DAY OF VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300h-2(a)(2)	CIVIL ADMIN PENALTY/VIOLATIONS OF REQS — UNDERGROUND INJECTION CONTROL	NA	\$25,000 PER DAY OF VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300h-3(a)	WILLFUL VIOLATION/OPERATION OF NEW UNDERGROUND INJECTION WELL	NA	\$125,000 PER VIOLATION	1974 YES	1974 YES	YES	SEE NOTE (1)
42 USC 300h-3(b)	VIOLATION/OPERATION OF NEW UNDERGROUND INJECTION WELL	NA	\$5,000 PER VIOLATION PER DAY	1974 YES	1974 YES	YES	SEE NOTE (1)
42 USC 300i-1(c)	TAMPERING WITH PUBLIC WATER SYSTEM/CIVIL JUDICIAL PENALTY	NA	\$5,000 PER VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300j(1)	KNOWING FAILURE TO COMPLY WITH ORDER ISSUED UNDER SEC. 1441(C)(1)	NA	\$2,500 PER VIOLATION	1974 YES	1974 YES	YES	SEE NOTE (1)
42 USC 300j(2)	FAILURE TO COMPLY WITH ORDER ISSUED UNDER SEC. 1441(C)(1)	NA	\$25,000 PER VIOLATION	1986 NO	1986 NO	YES	SEE NOTE (1)
42 USC 300j-2(a)	REFUSAL TO COMPLY WITH REQS. OF SEC. 1445(A) OR (B)	NA	\$50,000 PER VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 300j-2(b)	VIOLATIONS/SECTION 1463(b)	NA	\$600 PER TON	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 1414b(d)	MARINE PROTECTION, RESEARCH & SANCTUARIES ACT VIOL. SEC 1046(a)(B)	NA	\$125,000 PER VIOLATION	1988 NO	1988 NO	YES	SEE NOTE (1)
42 USC 1415(a)	MARINE PROTECTION RESEARCH AND SANCTUARIES ACT VIOLATIONS	NA	\$5,000 PER VIOLATION PER DAY	1974 YES	1974 YES	YES	SEE NOTE (1)
42 USC 1431(c)	FAILURE TO COMPLY WITH SEC. 1431(a) ORDER	NA	\$25,000 PER VIOLATION PER DAY	1984 YES	1984 YES	YES	SEE NOTE (1)
42 USC 6828(a)(3)	RESOURCE CONSERVATION & RECOVERY ACT/VIOLATION SUBTITLE C ASSESSED PER ORDER	NA	\$25,000 PER VIOLATION PER DAY	1976 YES	1976 YES	YES	SEE NOTE (1)
42 USC 6828(c)	RES. CONS. & REC. ACT/CONTINUED NONCOMPLIANCE OF COMPLIANCE ORDER	NA	\$25,000 PER VIOLATION PER DAY	1976 YES	1976 YES	YES	SEE NOTE (1)
42 USC 6828(d)	RESOURCE CONSERVATION & RECOVERY ACT/VIOLATION SUBTITLE C	NA	\$25,000 PER VIOLATION	1976 YES	1976 YES	YES	SEE NOTE (1)
42 USC 6828(f)(2)	RES. CONS. & REC. ACT/NONCOMPLIANCE OF CORRECTIVE ACTION ORDER	NA	\$25,000 PER VIOLATION	1964 YES	1964 YES	YES	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/01	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/01	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	LAW MODIFICATION PROVIDED	TEXT OF LAW MODIFICATION PROVIDED
42 USC 6604(e)	RES. CONS. & REC. ACT/NONCOMPLIANCE WITH SECTION 3013 ORDER	NA	\$5,000 PER DAY	PER DAY	1976 YES	YES	SEE NOTE (1)
42 USC 6973(b)	RES. CONS. & REC. ACT/VIOLATIONS OF ADMINISTRATIVE ORDER	NA	\$5,000 PER DAY	PER DAY	1976 YES	YES	SEE NOTE (1)
42 USC 6991a(a)(3)	RES. CONS. & REC. ACT/NONCOMPLIANCE WITH UST ADMIN. ORDER	NA	\$25,000 PER DAY	PER DAY	1984 YES	YES	SEE NOTE (1)
42 USC 6991a(a)(1)	RES. CONS. & REC. ACT/FAILURE TO NOTIFY OR SUBMIT FALSE INFO	NA	\$10,000 PER VIOLATION	PER VIOLATION	1984 YES	YES	SEE NOTE (1)
42 USC 6991a(a)(2)	VIOLATIONS OF SPECIFIED UST REGULATORY REQUIREMENTS	NA	\$10,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1984 YES	YES	SEE NOTE (1)
42 USC 6992(a)(2)	NONCOMPLIANCE W/MEDICAL WASTE TRACKING ACT ASSESSED THRU ADMIN ORDER	NA	\$25,000 PER DAY	PER DAY	1988 NO	NO	SEE NOTE (1)
42 USC 6992(a)(4)	NONCOMPLIANCE W/MEDICAL WASTE TRACKING ACT ADMIN ORDER	NA	\$25,000 PER DAY	PER DAY	1988 NO	NO	SEE NOTE (1)
42 USC 6992(d)	VIOLATIONS/MEDICAL WASTE TRACKING ACT ASSESSED BY COURT	NA	\$25,000 PER VIOLATION	PER VIOLATION	1988 NO	NO	SEE NOTE (1)
42 USC 7413(b)	AMEND BY P1: CLEAN AIR ACT/VIOLATION/OWNERS & OPS OF STATIONARY AIR POLLUTION SOURCES	NA	\$25,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1977 YES	YES	SEE NOTE (1)
42 USC 7524	TAMPERING OR MANUFACTURE/SALE OF DEFEAT DEVICES	NA	\$25,000 PER VIOLATION	PER VIOLATION	1980 NO	NO	SEE NOTE (1)
42 USC 7545(d)	VIOLATIONS OF FUELS REGULATIONS	NA	\$25,000 PER VIOLATION	PER VIOLATION	1980 NO	NO	SEE NOTE (1)
42 USC 9604(a)(5)(B)	SUPERFUND AMEND. & REAUTHORIZATION ACT/NONCOMPLIANCE W/INFO REQUEST	NA	\$25,000 PER DAY	PER DAY	1990 NO	NO	SEE NOTE (1)
42 USC 9606(b)	SUPERFUND/WORK NOT PERFORMED W/IMMINENT, SUBSTANTIAL ENDANGERMENT	NA	\$25,000 PER DAY	PER DAY	1990 NO	NO	SEE NOTE (1)
42 USC 9608(a)(3)&(c)	SUPERFUND/ADMIN. PENALTY VIOLATIONS—SUBSEQUENT	NA	\$75,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1990 NO	NO	SEE NOTE (1)
42 USC 9609(a)(3)&(c)	SUPERFUND/ADMIN. PENALTY VIOLATIONS UNDER 42 USC SECT. 9603, 9608, OR 9622	NA	\$75,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1990 NO	NO	SEE NOTE (1)
42 USC 9609(a)(3)&(c)	SUPERFUND/CIVIL JUDICIAL PENALTY/VIOLATIONS OF SECT. 9603, 9608, 9622	NA	\$75,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1990 NO	NO	SEE NOTE (1)
42 USC 11001	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT CIVIL PENALTY	NA	\$75,000 PER VIOLATION	PER VIOLATION	1985 NO	NO	SEE NOTE (1)
<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</b>							
42 USC 2000e-10(b)	FAILURE TO POST NOTICE/APPLICABILITY OF TITLE VII	NA	\$100 PER VIOLATION	PER VIOLATION	1964 YES	YES	SEE NOTE (1)
<b>FARM CREDIT ADMINISTRATION</b>							
12 USC 2268(a)	VIOLATION/FAIR CREDIT ACT OR ANY REGULATION UNDER THE ACT	NA	\$600 PER DAY	PER DAY	1988	NO	SEE NOTE (1)
<b>FEDERAL COMMUNICATIONS COMMISSION</b>							
47 USC 202(C)	VIOLATION/COMMON CARRIER DISCRIMINATION OR PREFERENCE W/LIKE COMM. SVC.	NA	\$6,000 PER VIOLATION PLUS	PER VIOLATION PLUS	1989 NO	NO	SEE NOTE (1)
47 USC 203(e)	COMMON CARRIER TARIFFS	NA	\$300 PER DAY	PER DAY	1989 NO	NO	SEE NOTE (1)
47 USC 205(b)	ANY CHARGE OR PROVISION IN VIOLATION OF COMMON CARRIER PRESCRIPTION	NA	\$300 PER DAY	PER DAY	1989 NO	NO	SEE NOTE (1)
47 USC 214(d)	COMMON CARRIER FAILURE TO PROVIDE ADEQUATE FACILITY, EXTEND LINE, OR EST. PUBLI	NA	\$12,000 PER VIOLATION	PER VIOLATION	1989 NO	NO	SEE NOTE (1)
47 USC 219(b)	COMMON CARRIER REPORTS	NA	\$1,200 PER DAY	PER DAY	1989 NO	NO	SEE NOTE (1)
47 USC 220(d)	COMMON CARRIER FAILURE/REFUSAL TO KEEP/SUBMIT ACCTS, RECORDS, MEMORANDA	NA	\$6,000 PER VIOLATION	PER VIOLATION	1989 NO	NO	SEE NOTE (1)
47 USC 223	OBSCENE/INDECENT TELEPHONE COMMUNICATIONS	NA	\$50,000 PER VIOLATION	PER VIOLATION	1989 NO	NO	SEE NOTE (1)
47 USC 362, 366	SHIP RADIO/FINE FOR OWNER	NA	\$5,000 PER VIOLATION	PER VIOLATION	1989 NO	NO	SEE NOTE (1)
47 USC 362, 366	SHIP RADIO/FINE FOR MASTER	NA	\$1,000 PER VIOLATION	PER VIOLATION	1989 NO	NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
47 USC 503	VIOLATIONS/COMMUNICATIONS ACT, RULES, ORDERS OR AUTHORIZATIONS -- COMMON CARRIERS & APPLICANTS	NA	\$100,000 PER VIOLATION, OR PER DAY	PER VIOLATION, OR PER DAY	1989 NO	SEE NOTE (1)
	-- BROADCASTERS & CABLE OPERATORS & APPLICANTS	NA	\$1,000,000 PER CONTINUING VIOLATION	PER CONTINUING VIOLATION	1989 NO	SEE NOTE (1)
	-- ALL OTHERS	NA	\$25,000 PER VIOLATION, OR PER DAY	PER VIOLATION, OR PER DAY	1989 NO	SEE NOTE (1)
47 USC 507	GREAT LAKES AGREEMENT/FINE FOR OWNER	NA	\$250,000 PER CONTINUING VIOLATION	PER CONTINUING VIOLATION	1989 NO	SEE NOTE (1)
47 USC 507	GREAT LAKES AGREEMENT/FINE FOR MASTER	NA	\$10,000 PER VIOLATION, OR PER DAY	PER VIOLATION, OR PER DAY	1989 NO	SEE NOTE (1)
47 USC 554	CABLE EEO	NA	\$75,000 PER CONTINUING VIOLATION	PER CONTINUING VIOLATION	1989 NO	SEE NOTE (1)
		NA	\$500 PER VIOLATION	PER VIOLATION	1984 YES	YES
		NA	\$200 PER VIOLATION	PER VIOLATION	1984 YES	YES
FEDERAL DEPOSIT INSURANCE CORPORATION						
12 USC 1817(a)	FILING LATE OR MISLEADING BANK CALL REPORTS -- INADVERTENT LATE OR MISLEADING REPORTS -- LATE OR MISLEADING REPORTS -- KNOWING/RECKLESS LATE OR MISLEADING REPORTS	NA	\$2,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$20,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$1,000,000 PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO	SEE NOTE (1)
12 USC 18170(i)(9)	VIOLATIONS/CHANGE IN BANK CONTROL ACT (CBCA) -- VIOLATIONS OF CBCA -- VIOLATIONS OF CBCA W/MORE THAN MIN. LOSS -- VIOLATIONS OF CBCA W/SUBSTANTIAL LOSS	NA	\$5,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$25,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$1,000,000 PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO	SEE NOTE (1)
12 USC 18180(i)(2)	VIOLATIONS/ANY LAW, FINAL ORDER, OR APPLICATION -- VIOLATION -- VIOLATION RESULTING IN MORE THAN MIN. LOSS -- VIOLATION RESULTING IN SUBSTANTIAL LOSS	NA	\$5,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$25,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$1,000,000 PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO	SEE NOTE (1)
12 USC 1820(a)	INCORRECT DISPLAY OF INSURANCE LOGO	NA	\$100 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1950 YES	YES
12 USC 1820(b)	REFUSAL TO FILE CERT. STATEMENT OR PAY ASSESSMENT	NA	\$100 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1950 YES	YES
12 USC 1820(j)(4)	VIOLATIONS OF FEDERAL RESERVE ACT (FRA) -- VIOLATIONS OF FRA -- VIOLATIONS OF FRA W/MORE THAN MIN. LOSS -- VIOLATIONS OF FRA W/SUBSTANTIAL LOSS	NA	\$5,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$25,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1989 NO	SEE NOTE (1)
		NA	\$1,000,000 PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO	SEE NOTE (1)
12 USC 1829p-0	VIOLATION OF 1829b - RETENTION OF RECORDS	NA	\$10,000 PER VIOLATION PER DAY	PER VIOLATION PER DAY	1988 NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	TEXT OF LAW
12 USC 1972(2)(F)	VIOLATIONS/BANK COMPANY ACT ("1970 ACT") -- VIOLATIONS OF 1970 ACT -- VIOLATIONS OF 1970 ACT W/MORE THAN MIN. LOSS -- VIOLATIONS OF 1970 ACT W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO 1989 NO 1989 NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 3108(b)	VIOLATIONS/INTL. BANKING ACT OF 1978 (IBA) -- VIOLATIONS OF IBA -- VIOLATIONS OF IBA W/MORE THAN MIN. LOSS -- VIOLATIONS OF IBA W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO 1989 NO 1989 NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 3909	VIOLATIONS/INTL. LENDING SUPERVISION ACT (ILSA) -- VIOLATIONS OF ILSA -- VIOLATIONS OF ILSA W/MORE THAN MIN. LOSS -- VIOLATIONS OF ILSA W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO 1989 NO 1989 NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 3949	VIOLATIONS OF FRB'S APPRAISER REGULATIONS -- VIOLATIONS OF REGS. -- VIOLATIONS OF REGS. W/MORE THAN MIN. LOSS -- VIOLATIONS OF REGS. W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 NO 1989 NO 1989 NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
15 USC 78u-2	WILLFUL VIOLATIONS OF FEDERAL SECURITIES LAWS -- VIOLATIONS/NATURAL PERSON -- VIOLATIONS/ALL OTHERS -- RECKLESS VIOLATIONS/NATURAL PERSONS -- RECKLESS VIOLATIONS/ALL OTHERS -- DELIBERATE VIOLATIONS/NATURAL PERSONS -- DELIBERATE VIOLATIONS/ALL OTHERS	NA NA NA NA NA	\$5,000 \$50,000 \$50,000 \$250,000 \$500,000	PER VIOLATION PER VIOLATION PER VIOLATION PER VIOLATION PER VIOLATION	1990 NO 1990 NO 1990 NO 1990 NO 1990 NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
FEDERAL EMERGENCY MANAGEMENT AGENCY		NA	\$5,000	PER VIOLATION	1985 NO	SEE NOTE (1)
42 USC 5167(3)(7)	VIOLATIONS/STAFFORD ACT PL. 100-707	NA	\$5,000	PER VIOLATION	1985 NO	SEE NOTE (1)
FEDERAL MARITIME COMMISSION		NA	\$1,000 \$5,000 \$25,000	PER VIOLATION PER DAY PER OFFENSE PER VIOLATION	1972 YES 1972 YES 1979 YES	YES YES YES
46 USC APP. S. 614	FILING OF AGREEMENTS, ETC. UNDER SHIPPING ACT, 1916	NA	\$1,000	PER VIOLATION PER DAY	1972 YES	YES
46 USC APP. S. 615	UNDUE PREFERENCE/INFLUENCE INSURANCE COS. TO DISCRIMINATE/SHIPPING ACT, 1916	NA	\$5,000	PER OFFENSE	1972 YES	YES
46 USC APP. S. 615	UNFAIR MEANS TO OBTAIN LOWER RATES/SHIPPING ACT, 1916	NA	\$25,000	PER VIOLATION	1979 YES	YES

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EXHIBIT 1--CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT	MAXIMUM PENALTY AMOUNT	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW	LAW MODIFICATION APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
46 USC APP. S. 8174 & e	FAILURE TO ESTABLISH FIN. RESPS. FOR DEATH/INJURY OR NONPERFORMANCE	NA	\$5,000	PER VIOLATION PLUS	1966	YES	YES
46 USC APP. S. 820	FAILURE TO FILE REQ. DOCUMENTATION/SHIPPING ACT, 1916	NA	\$200	PER PASSAGE SOLD	1966	YES	YES
46 USC APP. S. 820	FAILURE TO FILE ANTI-REBATE CERTIFICATION/SHIPPING ACT, 1916	NA	\$100	PER VIOLATION PER DAY	1916	YES	YES
46 USC APP. S. 831	VIOLATION/RULES, REGS., ORDERS/SHIPPING ACT, 1916	NA	\$5,000	PER VIOLATION PER DAY	1979	YES	YES
46 USC APP. S. 831	VIOLATIONS/SECT. 14-21 OF SHIPPING ACT, 1916	NA	\$1,000	PER VIOLATION PER DAY	1972	YES	YES
46 USC APP. S. 844	VIOLATION/INTERCOASTAL SHIPPING ACT OF 1933	NA	\$5,000	PER VIOLATION	1972	YES	YES
46 USC APP. S. 876	FAILURE TO PROVIDE REQ. REPTS/RESPOND TO SUBPOENA/MERCHANT MARINE ACT, 1920	NA	\$1,000	PER VIOLATION PER DAY	1972	YES	YES
46 USC APP. S. 876	ADVERSE SHIPPING CONDITIONS DETERMINATION/MERCHANT MARINE ACT, 1920	NA	\$5,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
46 USC APP. S. 1710a	OPERATING WHERE TARIFF SUSPENDED/MERCHANT MARINE ACT, 1920	NA	\$50,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
46 USC APP. S. 1712	ADVERSE IMPACT ON US CARRIERS BY FOREIGN SHIPPING PRACTICES	NA	\$1,000,000	PER VOYAGE	1988	NO	SEE NOTE (1)
46 USC APP. S. 1712	OPERATING IN U.S. FOREIGN COMMERCE AFTER TARIFF SUSPENSION	NA	\$50,000	PER SHIPMENT	1984	YES	YES
46 USC APP. S. 1712	VIOLATION/KNOWING & WILLFUL/SHIPPING ACT OF 1984	NA	\$25,000	PER VIOLATION PER DAY	1984	YES	YES
46 USC APP. S. 1714	VIOLATION/NOT KNOWING & WILLFUL/SHIPPING ACT OF 1984	NA	\$5,000	PER VIOLATION PER DAY	1984	YES	YES
46 USC APP. S. 1714	FAILURE TO FILE ANTI-REBATE CERT. PER SHIPPING ACT OF 1984	NA	\$5,000	PER VIOLATION PER DAY	1984	YES	YES
<b>FEDERAL RESERVE BOARD</b>							
12 USC 942	FILING LATE OR MISLEADING BANK CALL REPORTS	NA	\$2,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--INADVERTENT LATE OR MISLEADING REPORTS	NA	\$20,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--LATE OR MISLEADING REPORTS	NA	\$1,000,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--KNOWING, RECKLESS LATE, OR MISLEADING REPTS	NA	\$1,000,000	OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 504 & 505	VIOLATIONS OF FEDERAL RESERVE ACT (FRA)	NA	\$5,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATIONS OF FRA	NA	\$25,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATIONS OF FRA W/MORE THAN MIN. LOSS	NA	\$1,000,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATIONS OF FRA W/SUBSTANTIAL LOSS	NA	\$1,000,000	OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 18170(i)(16)	VIOLATIONS/CHANGE IN BANK CONTROL ACT (CBCA)	NA	\$5,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATIONS OF CBCA	NA	\$25,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATIONS OF CBCA W/MORE THAN MIN. LOSS	NA	\$1,000,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATIONS OF CBCA W/SUBSTANTIAL LOSS	NA	\$1,000,000	OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 1816(i)(2)	VIOLATIONS/ANY LAW, FINAL ORDER, OR APPLICATION	NA	\$5,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATION	NA	\$25,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATION RESULTING IN MORE THAN MIN. LOSS	NA	\$1,000,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)
	--VIOLATION RESULTING IN SUBSTANTIAL LOSS	NA	\$1,000,000	OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 1847(b)	VIOLATIONS/BANK HOLDING COMPANY ACT	NA	\$25,000	PER VIOLATION PER DAY	1989	NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT	MAXIMUM PENALTY AMOUNT	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW	LAW MODIFICATION APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
		SET BY LAW AS OF 3/1/81	SET BY LAW AS OF 3/1/81	PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 1647(d)	FILING LATE OR MISLEADING HOLDING COMPANY REPTS --INADVERTENT LATE OR MISLEADING REPORTS --LATE OR MISLEADING REPORTS --KNOWING, RECKLESS LATE, OR MISLEADING REPTS	NA NA NA	\$2,000 \$20,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 1989 1989	NO NO NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 1972(2)(F)	VIOLATIONS/BANK COMPANY ACT ("1970 ACT") -- VIOLATIONS OF 1970 ACT -- VIOLATIONS OF 1970 ACT W/MORE THAN MIN. LOSS -- VIOLATIONS OF 1970 ACT W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 1989 1989	NO NO NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 3108(b)	VIOLATIONS/INTL. BANKING ACT OF 1978 (IBA) -- VIOLATIONS OF IBA -- VIOLATIONS OF IBA W/MORE THAN MIN. LOSS -- VIOLATIONS OF IBA W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 1989 1989	NO NO NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 3949	VIOLATIONS OF FRB'S APPRAISER REGULATIONS -- VIOLATIONS OF REGS. -- VIOLATIONS OF REGS. W/MORE THAN MIN. LOSS -- VIOLATIONS OF REGS. W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1989 1989 1989	NO NO NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
12 USC 3909	VIOLATIONS/INTL. LENDING SUPERVISION ACT (ILSA) -- VIOLATIONS OF ILSA -- VIOLATIONS OF ILSA W/MORE THAN MIN. LOSS -- VIOLATIONS OF ILSA W/SUBSTANTIAL LOSS	NA NA NA	\$5,000 \$25,000 \$1,000,000	PER VIOLATION PER DAY PER VIOLATION PER DAY PER VIOLATION PER DAY OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1988 1989 1989	NO NO NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
15 USC 76b-2	WILLFUL VIOLATIONS OF FEDERAL SECURITIES LAWS --VIOLATIONS/NATURAL PERSON --VIOLATIONS/ALL OTHERS --RECKLESS VIOLATIONS/NATURAL PERSONS --RECKLESS VIOLATIONS/ALL OTHERS --DELIBERATE VIOLATIONS/NATURAL PERSONS --DELIBERATE VIOLATIONS/ALL OTHERS	NA NA NA NA NA	\$5,000 \$50,000 \$50,000 \$250,000 \$100,000 \$500,000	PER VIOLATION PER VIOLATION PER VIOLATION PER VIOLATION PER VIOLATION PER VIOLATION OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS	1990 1990 1990 1990 1990 1990	NO NO NO NO NO NO	SEE NOTE (1) SEE NOTE (1) SEE NOTE (1) SEE NOTE (1) SEE NOTE (1) SEE NOTE (1)
FEDERAL TRADE COMMISSION BUREAU OF COMPETITION							
15 USC 1849(k)(1)	VIOLATIONS/HART-SCOTT--RODINO ACT/PREMERGER NOTIFICATION REQS.	NA	\$10,000	PER DAY	1978	YES	YES
15 USC 21(f)	VIOLATIONS OF FTC ORDERS ENTERED PURSUANT TO CLAYTON ACT	NA	\$5,000	PER VIOLATION PER DAY	1969	YES	YES
15 USC 45(f)	VIOLATIONS OF FTC ORDERS/ASSESSED AGAINST RESPONDENT'S NAMED IN ORDERS	NA	\$1,000,000	PER VIOLATION PER DAY	1973	YES	YES

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					1974	1976	
15 USC 50	FAILURE TO FILE ANNUAL OR SPECIAL REPT REQ. BY COMMISSION	NA	\$100	PER DAY			YES
<b>FEDERAL TRADE COMMISSION</b>							
<b>BUREAU OF CONSUMER PROTECTION</b>							
15 USC 45(f)	VIOLATIONS OF FTC ORDERS/ASSESSED AGAINST RESPONDENTS NAMED IN ORDERS	NA	\$10,000	PER VIOLATION PER DAY		1973	YES
15 USC 45(m)(1)(A)	VIOLATIONS OF FTC RULES	NA	\$10,000	PER VIOLATION		1975	YES
15 USC 45(m)(1)(B)	VIOLATIONS OF FTC ORDERS/ASSESSED AGAINST OTHER THAN THOSE NAMED AS RESPOND	NA	\$10,000	PER VIOLATION		1975	YES
15 USC 50	FAILURE TO FILE ANNUAL OR SPECIAL REPT REQ. BY COMMISSION	NA	\$100	PER DAY		1974	YES
15 USC 1691(c)	VIOLATIONS/EQUAL CREDIT OPPORTUNITY ACT	NA	\$10,000	PER VIOLATION		1976	YES
15 USC 1692(a)	VIOLATIONS/FAIR DEBT COLL. PRACTICES ACT	NA	\$10,000	PER VIOLATION		1976	YES
<b>GENERAL SERVICES ADMINISTRATION</b>							
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER CLAIM		1986	NO
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT		1986	NO
41 USC 423	PROCUREMENT INTEGRITY ACT (INDIVIDUAL)	NA	\$100,000	PER VIOLATION		1988	NO
41 USC 423	PROCUREMENT INTEGRITY ACT (ALL OTHER)	NA	\$1,000,000	PER VIOLATION		1988	NO
5 APPe (104)(c)	ETHICS REFORM ACT	NA	\$200	PER VIOLATION		1989	NO
<b>U.S. DEPT. OF HEALTH AND HUMAN SERVICES</b>							
21 USC 333(b)	FEDERAL FOOD, DRUG, AND COSMETIC ACT —IMPROPER DISTRIBUTION OF DRUG SAMPLE —IMPROPER DISTRIBUTION AFTER 2ND CONVICTION —FAILURE TO REPORT CONVICTION RE: DRUG SAMPLE DISTRIBUTION	NA	\$50,000	PER VIOLATION		1986	NO
21 USC 333(f)	FEDERAL FOOD, DRUG, AND COSMETIC ACT/VIOLATION RE: DEVICES	NA	\$100,000	PER VIOLATION		1986	NO
21 USC 333(f)	FEDERAL FOOD, DRUG, AND COSMETIC ACT/VIOLATION RE: ELECTRONIC PRODUCT	NA	\$15,000	PER VIOLATION, UP TO \$1,000,000 PER PROCEEDING		1990	NO
21 USC 360pp(f)	FEDERAL FOOD, DRUG, AND COSMETIC ACT/VIOLATION RE: ELECTRONIC PRODUCT	NA	\$1,000,000	PER VIOLATION, UP TO \$300,000 FOR SERIES OF VIOLATIONS		1988	YES
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER CLAIM		1986	NO
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT		1986	NO
42 USC 2623(f)	PUBLIC HEALTH SERVICE ACT/VIOLATION OF BIOLOGICS RECALL	NA	\$100,000	PER VIOLATION		1986	NO
42 USC 2630(f)	PUBLIC HEALTH SERVICE ACT/VIOLATION RE:CLINICAL LAB	NA	\$10,000	PER VIOLATION		1981	YES
42 USC 1320a-7a	FRAUDULENT MEDICARE/CAID CLAIMS	NA	\$2,000	PER VIOLATION		1981	YES
42 USC 1320a-7a(a)(3)	GIVING MISLEADING INFO RE: PPS	NA	\$15,000	PER VIOLATION		1986	NO
42 USC 1320a-7a(b)	HOSP/PHO IMPROPER LIMIT SERVICES	NA	\$2,000	PER VIOLATION		1986	NO
42 USC 1320b-10(a)(1)	MISUSE OF TERMS SOCIAL SEC/HCF	NA	\$5,000	PER VIOLATION, UP TO \$100,000 PER SERIES OF VIOLATIONS		1988	NO
42 USC 1320b-10(a)(1)	BROADCAST MISUSE OF TERMS SS/HCF	NA	\$5,000	PER VIOLATION, UP TO \$100,000 PER SERIES OF VIOLATIONS		1988	NO
42 USC 1320b-10(a)(2)	MISUSE OF HCF/SSA SYMBOLS	NA	\$5,000	PER VIOLATION, UP TO \$100,000 PER SERIES OF VIOLATIONS		1988	NO

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42 USC 1320b-10(e)(2)	BROADCAST MISUSE OF HCFANSA SYMBOLS	NA	\$25,000 PER VIOLATION, UP TO \$100,000 PER SERIES OF VIOLATIONS	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1396bbb(e)(1)	NOTIFY HOME HEALTH AGENCY OF SURVEY	NA	\$2,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1396cc(d)	HOSP UNBUNDLING OUTPATIENT SURGERY COSTS	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395dd	HOSPITAL ANTI-DUMPING	NA	\$2,000 PER VIOLATION	PER VIOLATION	1986 NO	SEE NOTE (1)
42 USC 1395l-3(b)	FALSE CERT. RE: SNF RESIDENT ASSESSMENT	NA	\$50,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(b)	CAUSE ANOTHER'S FALSE CERT. RE: ASSESSMENT	NA	\$1,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	NOTIFY SNF OF SURVEY	NA	\$5,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	SNF NONCOMPLIANCE W/CONDITIONS OF PARTICIPATION	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	NON-ASSIGNED CLAIM FRO CLINICAL LAB TEST	NA	\$10,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	CLAIM FOR INTRAOCULAR LENS IN CATARACT SURGERY	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	ASSIGNMENT REQUIRE NURSE ANESTHETIST SERV	NA	\$2,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	NON-ASSIGNED CLAIM FOR MIDWIFE, ETC. SERVICES	NA	\$2,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	FAILURE TO PROVIDE INFO ON REFERRING PHYSICIAN	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	FAILURE TO SUPPLY RENTAL DME W/O CHARGE	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	FAILURE TO PROVIDE HMO CARE	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO CHARGING EXCESSIVE PREMIUMS	NA	\$25,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO WRONGLY EXPELS INDIVIDUALS	NA	\$25,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO DISCOURAGING ENROLLMENT	NA	\$25,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO DISCOURAGING ENROLLMENT	NA	\$100,000 PER DETERMINAT	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO PROVIDING FALSE INFO TO SECRETARY	NA	\$15,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO FALSIFYING INFO	NA	\$100,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO FAILS TO ENSURE SUPPLIER PROMPT PAY	NA	\$25,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	HMO EMPLOY'S EXCLUDED INDIVIDUAL/ENTITY	NA	\$25,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	CLINICAL LAB REFERRAL VIOLATION	NA	\$25,000 PER VIOLATION	PER VIOLATION	1989 NO	SEE NOTE (1)
42 USC 1395l-3(f)	IMPROPER PHYSICIAN REFERRAL OR SCHEME	NA	\$15,000 PER VIOLATION	PER VIOLATION	1989 NO	SEE NOTE (1)
42 USC 1395l-3(f)	FAILURE TO REPORT OWNERSHIP ARRANGEMENTS	NA	\$100,000 PER REFERRAL	PER VIOLATION	1989 NO	SEE NOTE (1)
42 USC 1395l-3(f)	MISREPRESENTATION OF MEDIGAP INS POLICY	NA	\$10,000 PER DAY	PER VIOLATION	1989 NO	SEE NOTE (1)
42 USC 1395l-3(f)	SELLING MEDIGAP UNDER MEDICARE AUTH	NA	\$5,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	USE MAIL TO SALE NON-APPROV MEDIGAP POL	NA	\$5,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	PHYSICIAN ASSISTANTS ASSIGNMENT VIOL	NA	\$2,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	PHYSICIAN FEE FREEZE VIOLATION	NA	\$2,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	MAXIMUM ALLOWABLE ACTUAL CHARGE	NA	\$2,000 PER VIOLATION	PER VIOLATION	1984 YES	SEE NOTE (1)
42 USC 1395l-3(f)	NON-PARTIC MD OVERCHARGE-DESIGNAT PROC	NA	\$2,000 PER VIOLATION	PER VIOLATION	1986 NO	SEE NOTE (1)
42 USC 1395l-3(f)	BILLING CATARACT SURGERY - NO APPROVAL	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	VIOL REFUND REQUIRE - UNNECESSARY SERVIC	NA	\$2,000 PER VIOLATION	PER VIOLATION	1986 NO	SEE NOTE (1)
42 USC 1395l-3(f)	REFUND - ELECTIVE SURGERY NOT COVERED	NA	\$2,000 PER VIOLATION	PER VIOLATION	1986 NO	SEE NOTE (1)
42 USC 1395l-3(f)	DIAGNOSTIC CODING VIOLATION	NA	\$2,000 PER VIOLATION	PER VIOLATION	1987 NO	SEE NOTE (1)
42 USC 1395l-3(f)	INTERMEDIATE CLINICAL LAB SANCTIONS	NA	\$2,000 PER VIOLATION	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	NON-ASSIGNED CLAIMS LIMITED CHARGES	NA	\$10,000 PER DAY	PER VIOLATION	1988 NO	SEE NOTE (1)
42 USC 1395l-3(f)	ASSIGNMENT VIOL - MEDICAID ELIGIBLES	NA	\$2,000 PER VIOLATION	PER VIOLATION	1989 NO	SEE NOTE (1)

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42 USC 1395a-4(g)(4)	CLAIM FORM COMPLETION VIOLATION	NA	\$2,000	PER INDIVIDUAL	1989	NO	SEE NOTE (1)
42 USC 1395b(b)(5)(C)(ii)	FAILURE TO PROVIDE GROUP PLAN INFO	NA	\$1,000	PER INDIVIDUAL	1989	NO	SEE NOTE (1)
42 USC 1396b(m)	FAILURE TO PROVIDE HMO CARE	NA	\$10,000	PER VIOLATION	1986	NO	SEE NOTE (1)
42 USC 1396b(b)(3)(B)(iv)	FALSE CERT-CAPACITY OF SNF PATIENT	NA	\$1,000	PER VIOLATION	1987	NO	SEE NOTE (1)
42 USC 1396b(b)(3)(B)(iv)(i)	CAUSE OTHER TO MAKE FALSE CERTIFICATION	NA	\$5,000	PER VIOLATION	1987	NO	SEE NOTE (1)
42 USC 1396b(g)(2)(A)	NOTIFY SKILL NURSE FACILITY OF SURVEY	NA	\$2,000	PER VIOLATION	1987	NO	SEE NOTE (1)
42 USC 1396b(f)	IF NONCOMPLIANCE WITH CONDITIONS OF PARTIC	NA	\$10,000	PER VIOLATION	1987	NO	SEE NOTE (1)
42 USC 11131(e)	FAILURE TO REPORT MEDICAL MALPRACTICE LIABILITY	NA	\$10,000	PER VIOLATION	1986	NO	SEE NOTE (1)
42 USC 11137(b)(2)	CONFIDENTIALITY BREACH RE: MALPRACTICE INFO	NA	\$10,000	PER VIOLATION	1986	NO	SEE NOTE (1)
<b>U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT</b>							
12 USC 1701q-1	UNLAWFUL CONDUCT BY ELDERLY PROJECT MORTGAGORS	NA	\$25,000	PER VIOLATION, UP TO	1989	NO	SEE NOTE (1)
12 USC 1703	FALSE INFO PROVIDED BY TITLE I DEALER/BROKERS	NA	\$5,000	PER VIOLATION, UP TO	1989	NO	SEE NOTE (1)
12 USC 1723	UNLAWFUL CONDUCT BY FINMA ISSUERS/CUSTODIANS	NA	\$5,000	PER VIOLATION	1989	NO	SEE NOTE (1)
12 USC 1735i-14	UNLAWFUL CONDUCT BY LENDERS/MORTGAGEES	NA	\$5,000	PER VIOLATION, UP TO	1989	NO	SEE NOTE (1)
12 USC 1755i-15	UNLAWFUL CONDUCT BY PROJECT MORTGAGOR	NA	\$1,000,000	PER VIOLATION	1989	NO	SEE NOTE (1)
15 USC 1717(a)	UNLAWFUL CONDUCT BY INTERSTATE LAND SALE DEVELOPERS	NA	\$25,000	PER VIOLATION, UP TO	1989	NO	SEE NOTE (1)
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/MISSTATEMENT INVOLVING FALSE CLAIM	NA	\$1,000,000	PER YEAR	1989	NO	SEE NOTE (1)
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/MISSTATEMENT INVOLVING FALSE STATEMENT	NA	\$5,000	PER CLAIM	1986	NO	SEE NOTE (1)
42 USC 3537(a)	EMPLOYEE DISCLOSURE OF FUNDING DECISION	NA	\$5,000	PER STATEMENT	1986	NO	SEE NOTE (1)
42 USC 3537(b)	CONSULTANTS FAILURE TO REGISTER/REPORT TO HUD	NA	\$10,000	PER VIOLATION	1989	NO	SEE NOTE (1)
42 USC 3545(f)	APPLICANTS FOR ASSISTANCE FAILURE TO DISCLOSE INFO	NA	\$10,000	PER VIOLATION	1989	NO	SEE NOTE (1)
42 USC 5410(a)	UNLAWFUL CONDUCT BY MANUFACTURED HOME MANUFACTURERS	NA	\$1,000,000	PER VIOLATION, UP TO	1974	YES	SEE NOTE (1)
<b>U.S. DEPT. OF THE INTERIOR</b>							
<b>BUREAU OF LAND MANAGEMENT</b>							
30 USC 1719(a)(2)	LESS THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS	NA	\$500	PER VIOLATION PER DAY	1983	YES	YES
30 USC 1719(b)	MORE THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS	NA	\$5,000	PER VIOLATION PER DAY	1983	YES	YES
30 USC 1719(c)(3)	VIOLATIONS/OIL & GAS/KNOWING, WILLFUL ACTS	NA	\$10,000	PER VIOLATION PER DAY	1983	YES	YES
30 USC 1719(d)(3)	FALSE INFO/STOLEN OR UNLAWFUL REMOVED OIL & GAS	NA	\$25,000	PER VIOLATION PER DAY	1983	YES	YES
<b>U.S. DEPT. OF THE INTERIOR</b>							
<b>FISH AND WILDLIFE SERVICE</b>							
16 USC 668(b)	VIOLATIONS/SALE, POSSESSION, ETC OF BALD EAGLE	NA	\$5,000	PER VIOLATION	1972	YES	YES
16 USC 1375(a)(1)	VIOLATIONS/CONSERVATION REGS./MARINE MAMMAL PROTECTION ACT	NA	\$10,000	PER VIOLATION	1972	YES	YES
16 USC 1540(a)(1)	VIOLATIONS/ENDANGERED SPECIES	NA	\$25,000	PER VIOLATION	1986	NO	SEE NOTE (1)
16 USC 1540(a)(1)	VIOLATIONS/ENDANGERED SPECIES	NA	\$12,000	PER VIOLATION	1988	NO	SEE NOTE (1)

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		AS OF 3/1/91	AS OF 3/1/91	AS OF 3/1/91	AS OF 3/1/91					
18 USC 1540(a)(1) 18 USC 3973(a)(1)	VIOLATIONS/ENDANGERED SPECIES SALE, POSSESSION OR TRANSP. - FISH/WILDLIFE/PLANTS	NA	NA	\$500	\$10,000	PER VIOLATION	PER VIOLATION	1978	YES	YES
U.S. DEPT. OF THE INTERIOR MINERALS MANAGEMENT SERVICE										
30 USC 1719(a)(2) 30 USC 1719(b) 30 USC 1719(c)(3) 30 USC 1719(d)(3) 43 USC 1350	LESS THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS MORE THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS VIOLATIONS/OIL & GAS/KNOVING, WILLFUL ACTS FALSE INFO/STOLEN OR UNLAWFUL REMOVED OIL & GAS NONCOMPLIANCE/OUTER CNTRL SHELF LANDS ACT	NA	NA	\$500	\$5,000	PER VIOLATION PER DAY	PER VIOLATION PER DAY	1983	YES	YES
U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING										
30 USC 1268(a) 30 USC 1268(b)	NOTICE OF VIOLATION/SURFACE MINING CONTROL & RECL. ACT FAILURE TO CORRECT ACTION/SURFACE MINING CONTROL & RECL. ACT	NA	NA	\$5,000	\$750	PER VIOLATION	PER DAY	1977	YES	YES
INTERNATIONAL TRADE COMMISSION										
19 USC 1337(f)	VIOL-REMEDIAL ORDERS IN INVESTIGATIONS	NA	NA	\$100,000		PER VIOL PER DAY, OR 2X GOODS VALU		1988	NO	SEE NOTE (1)
INTERSTATE COMMERCE COMMISSION										
49 USC 10527(b) 49 USC 11901(a) 49 USC 11901(b)	LOADING AND UNLOADING FAILURE TO OBEY COMMISSION ORDER VIOLATION OF REGULATION OR ORDER WITH RESPECT TO RATES, TARIFFS BY RAILROADS	NA	NA	\$10,000	\$5,000	PER VIOLATION	PER VIOLATION EACH DAY	1980	YES	YES
49 USC 11901(c) 49 USC 11901(d) 49 USC 11901(e)(1)	VIOLATION OF REGULATION OR ORDER BY RAILROAD WITH RESPECT TO PROPERTY VALUATI UNAUTHORIZED OPERATION OR ABANDONMENT BY RAILROAD VIOLATION OF COMMISSION ORDER REGARDING EMERGENCY SITUATION	NA	NA	\$500	\$5,000	PER VIOLATION	PER VIOLATION AND PER DAY	1910	YES	YES
49 USC 11901(e)(2) 49 USC 11901(f)(1) 49 USC 11901(f)(2) 49 USC 11901(f)(3) 49 USC 11901(g)	FAILURE TO MAKE PROPER CAR DISTRIBUTION BY RAILROAD FAILURE TO PRESERVE AND SUBMIT RECORD BY RAILROAD FAILURE TO PERMIT INSPECTION BY RAILROAD FAILURE TO MAKE COMPLETE REPORT BY RAILROAD FOREIGN CARRIER OPERATING WITHOUT AUTHORITY AND RECORDS UNAUTHORIZED PASSENGER OPERATIONS	NA	NA	\$100	\$50	PER VIOLATION	PER VIOLATION AND PER DAY	1917	YES	YES
49 USC 11901(h) 49 USC 11901(k)(1)	UNAUTHORIZED MOTOR TRANSPORTATION; HAZARDOUS WASTE FAILURE TO KEEP RECORDS; UNAUTHORIZED OPERATIONS BY HHG CARRIER	NA	NA	\$1,000	\$500	PER VIOLATION	FOR EACH ADDITIONAL DAY	1982	NO	SEE NOTE (2)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	TEXT OF LAW	MODIFICATION PROVIDED
49 USC 119010(k)	FAILURE TO COMPLY WITH REGULATIONS BY HHG CARRIER	NA	\$1,000	PER VIOLATION AND FOR EACH ADDITIONAL DAY	1980	YES	YES
49 USC 119010(k)(2)(B)	VIOLATIONS OF HHG REGULATIONS BY FAILURE OR REFUSAL TO COMPLY	NA	\$500	PER FAILURE OR REFUSAL AND FOR EACH ADDITIONAL DAY	1980	YES	YES
49 USC 119010(c)	FALSIFYING HHG DOCUMENTS	NA	\$500	PER FAILURE OR REFUSAL AND FOR EACH ADDITIONAL DAY	1980	YES	YES
49 USC 11901(e)	FALSIFYING HHG DOCUMENTS	NA	\$250	FOR EACH ADDITIONAL DAY	1980	YES	YES
49 USC 11902a(a)	FALSIFYING HHG DOCUMENTS/SUBSEQUENT VIOLATIONS LOADING AND UNLOADING VIOLATION (LUMPING)	NA	\$5,000	PER VIOLATION	1980	YES	YES
49 USC 11902a(a)	LOADING AND UNLOADING VIOLATION (LUMPING)	NA	\$10,000	PER VIOLATION	1980	YES	YES
U.S. DEPT. OF JUSTICE ANTI-TRUST DIVISION							
15 USC 16(a)(9)(1)	ACQUIRING VOTING SECURITIES OR ASSETS WITHOUT FILING NOTIFICATION, OR DURING WAIT	NA	\$10,000	PER DAY	1976	YES	YES
U.S. DEPT. OF JUSTICE CIVIL DIVISION							
31 USC 3729	VIOLATIONS/FALSE CLAIMS ACT INVOLVING DOD CONTRACT	NA	\$2,000	PER VIOLATION	1986	NO	SEE NOTE (1)
31 USC 3729	VIOLATIONS/FALSE CLAIMS ACT	\$5,000	\$10,000	PER VIOLATION PLUS 3X DAMAGES	1986	NO	SEE NOTE (1)
U.S. DEPT. OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE							
8 USC 1221	FAILURE TO DELIVER LIST OF PERSONS ON VESSEL OR AIRCRAFT	NA	\$300	PER PERSON	1980	NO	SEE NOTE (1)
8 USC 1227	IMMEDIATE DEPORTATION OF ALIENS EXCLUDED FROM ADMISSION	NA	\$2,000	PER VIOLATION	1980	NO	SEE NOTE (1)
8 USC 1229	DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARR. BY CIVIL AIRCRAFT	NA	\$2,000	PER VIOLATION	1980	NO	SEE NOTE (1)
8 USC 1281	LIST OF ALIEN CREWMEN/REPTS. OF ILLEGAL LANDINGS	NA	\$200	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1284	CONTROL OF ALIEN CREWMEN	NA	\$3,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1285	EMPLOYMENT OF ALIENS W/CERTAIN DISABILITIES	NA	\$1,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1286	DISCHARGE OF ALIEN CREWMEN	NA	\$3,000	PER VIOLATION	1980	NO	SEE NOTE (1)
8 USC 1287	BRINGING ALIEN CREWMEN TO U.S. WITHOUT TO EVADE IMM. LAWS	NA	\$10,000	PER VIOLATION	1980	NO	SEE NOTE (1)
8 USC 1321	INS USER FEE ACCT/PREVENTION OF UNAUTHORIZED LANDING OF ALIENS	NA	\$3,000	PER VIOLATION	1980	NO	SEE NOTE (1)
8 USC 1322	BRINGING ALIEN TO U.S. W/O OTHER MENTAL/PHYSICAL DEFECTS	NA	\$3,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1322	BRINGING ALIEN TO U.S. W/O OTHER MENTAL/PHYSICAL DEFECTS	NA	\$3,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1323	INS USER FEE ACCT/LAWFUL BRINGING ALIEN TO U.S. W/EXPIRED VISA	NA	\$3,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1323	INS USER FEE ACCT/FAILURE TO DETAIN/DEPORT ALIEN STOWAWAY	NA	\$3,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1324	EMPLOYER SANCTION/CEASE & DESIST ORDER FOR HIRING, RECRUITING & REFERRAL VIOLATIONS	NA	\$3,000	PER ALIEN	1980	NO	SEE NOTE (1)
8 USC 1324(a)	-- 1ST ORDER	\$250	\$2,000	PER ALIEN	1986	NO	SEE NOTE (1)
8 USC 1324(a)	-- 2ND ORDER	\$2,000	\$5,000	PER ALIEN	1986	NO	SEE NOTE (1)
8 USC 1324(a)	-- 3RD OR SUBSEQUENT ORDER	\$3,000	\$10,000	PER ALIEN	1986	NO	SEE NOTE (1)
8 USC 1324(a)	PAPERWORK VIOLATIONS	\$100	\$1,000	PER INDIVIDUAL	1986	NO	SEE NOTE (1)
8 USC 1324(a)	VIOLATION/PROHIBITION OF INDEMNITY BONDS	NA	\$1,000	PER VIOLATION	1986	NO	SEE NOTE (1)

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U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	LAW MODIFICATION PROVIDED	TEXT OF LAW MODIFICATION PROVIDED
<b>DOCUMENT FRAUD</b>							
8 USC 1324(c)	— 1ST ORDER	\$250	\$2,000	PER DOCUMENT	1980	NO	SEE NOTE (1)
8 USC 1324(g)	— 2ND OR SUBSEQUENT ORDER	\$2,000	\$5,000	PER DOCUMENT	1980	NO	SEE NOTE (1)
8 USC 1324(f)	ANTI-DISCRIMINATION VIOLATIONS	\$250	\$2,000	PER INDIVIDUAL	1980	NO	SEE NOTE (1)
8 USC 1325(b)	— 1ST ORDER	\$2,000	\$5,000	PER INDIVIDUAL	1980	NO	SEE NOTE (1)
8 USC 1325(b)	— 2ND ORDER	\$3,000	\$10,000	PER INDIVIDUAL	1980	NO	SEE NOTE (1)
8 USC 1325(b)	— 3RD OR SUBSEQUENT ORDER	\$100	\$1,000	PER INDIVIDUAL	1980	NO	SEE NOTE (1)
8 USC 1325(b)	— CERTAIN DOCUMENTARY PRACTICES						
<b>U.S. DEPT. OF LABOR</b>							
<b>EMPLOYMENT STANDARDS ADMINISTRATION</b>							
8 USC 1188	VIOLATION OF EACH WORK CONTRACT OR H-2A REGULATIONS	NA	\$1,000	PER VIOLATION	1987	NO	SEE NOTE (1)
29 USC 2111(d)	VIOLATION OF DISCRIMINATION OR INTERFERENCE WITH INVESTIGATIONS	NA	\$1,000	PER VIOLATION	1987	NO	SEE NOTE (1)
29 USC 2116(f)	VIOLATION OF HOMEWORKER REGULATIONS	NA	\$500	PER HOMEWORKER	1988	NO	SEE NOTE (1)
29 USC 1653	WILLFUL OR REPEATED VIOLATION OF FLSA, MW & OT PAY PROVISIONS	NA	\$1,000	PER VIOLATION	1988	NO	SEE NOTE (1)
29 USC 2005	VIOLATION OF MFLSA OR THE REGULATIONS	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
30 USC 936(k)(1)	VIOLATION OF SAW/RAW	NA	\$1,000	PER VIOLATION	1988	NO	SEE NOTE (1)
30 USC 942(b)	VIOLATION OF ANY PROVISION OF EPPA	NA	\$10,000	PER EMPLOYER	1977	YES	SEE NOTE (1)
33 USC 914(g)	FAILURE TO SECURE BENEFIT	NA	\$500	PER DAY	1977	YES	YES
33 USC 930(f)	FAILURE TO REPORT FINAL PAYMENT OF COMPENSATION	NA	\$100	PER VIOLATION	1927	YES	YES
33 USC 943a	FAILURE TO REPORT INJURY	NA	\$10,000	PER VIOLATION	1984	YES	YES
PL 101-238	DISCRIMINATION AGAINST EMPLOYEES	\$1,000	\$5,000	PER VIOLATION	1984	YES	YES
PL 101-508	NONIMMIGRANT ALIEN NURSES	NA	\$1,000	PER VIOLATION	1989	NO	SEE NOTE (1)
PL 101-649	VIOLATION OF FLSA CHILD LABOR PROVISIONS	NA	\$10,000	PER EMPLOYEE	1980	NO	SEE NOTE (1)
PL 101-649	LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEN	NA	\$5,000	PER VIOLATION	1980	NO	SEE NOTE (1)
PL 101-649	H-1B SPECIALTY OCCUPATIONS	NA	\$1,000	PER VIOLATION	1980	NO	SEE NOTE (1)
<b>U.S. DEPT. OF LABOR</b>							
<b>MINE SAFETY AND HEALTH ADMINISTRATION</b>							
30 USC 820(a)	VIOL'S SAFETY & HEALTH STDS. AND MINE ACT	NA	\$50,000	PER VIOLATION	1990	NO	SEE NOTE (1)
30 USC 820(b)	FAILURE TO CORRECT	NA	\$5,000	PER DAY	1990	NO	SEE NOTE (1)
30 USC 820(g)	VIOL'S MINE ACT COMMITTED BY MINER	NA	\$250	PER VIOLATION	1977	YES	YES
<b>U.S. DEPT. OF LABOR</b>							
<b>OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION</b>							
29 USC 666(a)	REPEATED VIOLATION OF OSHA STANDARD	NA	\$70,000	PER VIOLATION	1980	NO	SEE NOTE (1)
29 USC 666(b)	SERIOUS VIOLATION OF OSHA STANDARD	\$1	\$7,000	PER VIOLATION	1980	NO	SEE NOTE (1)
29 USC 666(c)	OTHER THAN SERIOUS VIOLATION OF OSHA STANDARD	NA	\$7,000	PER VIOLATION	1980	NO	SEE NOTE (1)
29 USC 666(d)	FAILURE TO CORRECT OSHA STANDARD	NA	\$7,000	PER VIOLATION AND DAY	1980	NO	SEE NOTE (1)
29 USC 666(e)	WILLFUL VIOLATION OF OSHA STANDARD	\$5,000	\$70,000	PER VIOLATION	1980	NO	SEE NOTE (1)

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29 USC 666(f)	POSTING REQUIREMENTS	\$1	\$7,000	PER VIOLATION		
<b>U.S. DEPT. OF LABOR PENSION AND WELFARE BENEFITS ADMINISTRATION</b>						
29 USC 1059(b)	FAILURE TO FURNISH INFO OR MAINTAIN RECORDS	NA	\$10	PER EMPLOYEE	1974	YES
29 USC 1132(c)(1)(A)	FAILURE TO NOTIFY PLAN PARTICIPANTS OF GROUP HEALTH BENEFITS UNDER COBRA	NA	\$100	PER DAY	1986	NO
29 USC 1132(c)(1)(A)	FAILURE TO NOTIFY PARTICIPANTS & BENEFICIARIES RE. ASSET TRANSFER FROM A PENSION PLAN TO A HEALTH PLAN	NA	\$100	PER DAY	1990	NO
29 USC 1132(c)(1)(B)	REFUSAL TO PROVIDE REQ. INFO IN TIMELY MANNER	NA	\$100	PER DAY	1974	YES
29 USC 1132(c)(2)	FAILURE OR REFUSAL TO FILE AN ANNUAL REPORT	NA	\$1,000	PER DAY	1987	NO
29 USC 1132(c)(3)	FAILURE TO NOTIFY PARTICIPANTS & BENEFICIARIES RE. FAILURE TO MEET MINIMUM FUNDING REQS.	NA	\$100	PER DAY	1989	NO
29 USC 1132(c)(3)	FAILURE TO NOTIFY PARTICIPANTS & BENEFICIARIES RE. EXCESS PENSION ASSET TRANSFER TO HEALTH BENEFITS ACCOUNT	NA	\$100	PER DAY	1990	NO
<b>MERIT SYSTEMS PROTECTION BOARD</b>						
5 USCA 1216(a)(3)	PROHIBITED PERSONNEL PRACTICE	NA	\$1,000	PER CASE	1978	YES
<b>NATIONAL CREDIT UNION ADMINISTRATION</b>						
12 USC 1786(c)(2)(A)	FIRST TIER CMP	NA	\$5,000	PER DAY	1989	NO
12 USC 1786(c)(2)(B)	SECOND TIER CMP	NA	\$25,000	PER DAY	1989	NO
12 USC 1786(c)(2)(C)	THIRD TIER CMP	NA	\$1,000,000	PER DAY	1989	NO
<b>NATIONAL SCIENCE FOUNDATION</b>						
16 USC 2407(a)	ANTARTIC CONSERVATION ACT/UNINTENTIONAL VIOLATION	NA	\$5,000	PER VIOLATION	1978	YES
16 USC 2407(a)	ANTARTIC CONSERVATION ACT/INTENTIONAL VIOLATION	NA	\$10,000	PER VIOLATION	1978	YES
<b>NATIONAL TRANSPORTATION SAFETY BOARD</b>						
49 USC 1471(a)(1)	VIOL. FAA 49 USC 1441 OR RULE/REG REGARDING	NA	\$1,000	PER VIOLATION	1988	YES
<b>NUCLEAR REGULATORY COMMISSION</b>						
42 USC 2114	VIOLATIONS—OWNERSHIP & CUSTODY OF BYPRODUCT MATERIAL AND DISPOSAL SITES	NA	\$100,000	PER VIOLATION; PER DAY	1980	YES
42 USC 2167	VIOLATIONS—MARKING, USE, STORAGE, & DESTRUCTION OF SENSITIVE INFORMATION	NA	\$100,000	PER VIOLATION; PER DAY	1980	YES
42 USC 2282	VIOLATIONS OF LICENSING PROVISIONS	NA	\$100,000	PER VIOLATION; PER DAY	1980	YES
42 USC 5646	FAILURE TO REPORT DEFECTS & NONCOMPLIANCE	NA	\$100,000	PER VIOLATION; PER DAY	1980	YES

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<b>OFFICE OF PERSONNEL MANAGEMENT</b>						
5 USC 8902a	FRAUD/FEDERAL HEALTH BENEFITS PROGRAM PROVIDERS	NA	\$10,000	PER ITEM, SERVICE, OR CLAIM	1988	NO SEE NOTE (1)
<b>PENSION BENEFIT GUARANTEE CORPORATION</b>						
Sec. 4071; 29 USC 1371	FAILURE TO PROVIDE REQUIRED NOTICE OR MATERIAL INFORMATION	NA	\$1,000	PER DAY OF FAILURE	1987	NO SEE NOTE (1)
Sec. 4302; 29 USC 1452	FAILURE TO PROVIDE REQUIRED NOTICE	NA	\$100	PER DAY OF FAILURE	1980	YES
<b>U.S. POSTAL SERVICE</b>						
39 USC 3012	PENALTY - VIOLATION OF POSTAL SERVICE ORDERS	NA	\$10,000	PER DAY	1983	YES
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER CLAIM	1986	NO SEE NOTE (1)
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT	1986	NO SEE NOTE (1)
<b>RAILROAD RETIREMENT BOARD</b>						
31 USC 3728(a)	FALSE CLAIMS	\$5,000	\$10,000	PER CLAIM PLUS 3X DAMAGES TO GOV'T.	1986	NO SEE NOTE (1)
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER CLAIM	1986	NO SEE NOTE (1)
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT	1986	NO SEE NOTE (1)
<b>SECURITIES AND EXCHANGE COMMISSION</b>						
15 USC 77f(6)	SECURITIES ACT OF 1933/VIOLATIONS (IMPOSED BY COURT) —FOR NATURAL PERSON	NA	\$5,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO SEE NOTE (1)
	—FOR ANY OTHER PERSON	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO SEE NOTE (1)
	—FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO SEE NOTE (1)
	—FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO SEE NOTE (1)
	—FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO SEE NOTE (1)
	—FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO SEE NOTE (1)
15 USC 78f(b)	EXCHANGE ACT/FAILURE TO FILE INFO, DOCUMENTS, REPORTS	NA	\$100	EACH DAY OF DELAY	1936	YES
15 USC 78f(c)(1)(B)	FOREIGN CORRUPT PRACTICES — ANY ISSUER	NA	\$10,000	PER VIOLATION	1988	NO SEE NOTE (1)
15 USC 78f(c)(2)(C)	FOREIGN CORRUPT PRACTICES — ANY AGENT OR STOCKHOLDER ACTING ON BEHALF OF ISS	NA	\$10,000	PER VIOLATION	1988	NO SEE NOTE (1)
15 USC 78u-1(a)(3)	INSIDER TRADING — CONTROLLING PERSONS	NA	\$1,000,000	PER VIOLATION, OR 3X PROFIT GAINED OR LOSS AVOIDED, WHICHEVER GREATER	1988	NO SEE NOTE (1)

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15 USC 78u-2	SECURITIES EXCHANGE ACT OF 1934/VIOLATIONS						
	---FOR NATURAL PERSON	NA	\$5,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON	NA	\$50,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$100,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$500,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	SECURITIES EXCHANGE ACT OF 1934/VIOLATIONS (IMPOSED BY COURT)						
	---FOR NATURAL PERSON	NA	\$5,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
15 USC 78u(d)(3)	---FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$100,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$5,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	INVESTMENT COMPANY ACT OF 1940/VIOLATIONS						
	---FOR NATURAL PERSON	NA	\$50,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON	NA	\$50,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
15 USC 80a-4(e)	---FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$100,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	INVESTMENT COMPANY ACT OF 1940/VIOLATIONS (IMPOSED BY COURT)						
	---FOR NATURAL PERSON	NA	\$5,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	---FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)

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15 USC 90b-3(f)	INVESTMENT ADVISERS ACT OF 1940/VIOLATIONS —FOR NATURAL PERSON	NA	\$5,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	—FOR ANY OTHER PERSON	NA	\$50,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	—FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	—FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	—FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$100,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
	—FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$500,000	PER ACT OR OMISSION	1980	NO	SEE NOTE (1)
15 USC 90b-9(e)	INVESTMENT ADVISERS ACT OF 1940/VIOLATIONS (IMPOSED BY COURT) —FOR NATURAL PERSON	NA	\$5,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	—FOR ANY OTHER PERSON	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	—FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	—FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	—FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	—FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	PER VIOLATION, OR GAIN TO DEFENDANT, WHICHEVER GREATER	1980	NO	SEE NOTE (1)
	SMALL BUSINESS ADMINISTRATION						
31 USC 3729(a)	FALSE CLAIMS	\$5,000	\$10,000	PER CLAIM PLUS 3X DAMAGES TO GOV'T.	1986	NO	SEE NOTE (1)
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER CLAIM	1986	NO	SEE NOTE (1)
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT	1986	NO	SEE NOTE (1)
	U.S. STATE DEPARTMENT						
	OFFICE OF DEFENSE TRADE CONTROLS						
22 USC 2776(e)	VIOLATIONS INVOLVING CONTROLS ON DEFENSE ARTICLES & SVCS	NA	\$500,000	PER VIOLATION	1985	YES	SEE NOTE (1)
22 USC 2780(a)&(b)	VIOLATIONS INVOLVING CONTROLS ON DEFENSE ARTICLES & SVCS	NA	\$500,000	PER VIOLATION	1989	NO	SEE NOTE (1)
	TENNESSEE VALLEY AUTHORITY						
31 USC 1352(g)	PROHIBITED EXPENDITURE/FAILURE TO FILE OR AMEND REQ. DECLARATION	\$10,000	\$100,000	PER EXPENDITURE, OR PER FAILURE	1989	NO	SEE NOTE (1)
	U.S. DEPT. OF TRANSPORTATION						
	U.S. COAST GUARD						
33 USC 471	ANCHORAGE GROUND/HARBOR REGS: GENERAL	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (2)
33 USC 474	ANCHORAGE GROUND/HARBOR REGS: ST. MARY'S RIVER	NA	\$200	PER VIOLATION	1986	YES	SEE NOTE (2)
33 USC 495	BRIDGES/ FAILURE TO COMPLY WITH REGS.	NA	\$1,000	PER DAY	1983	NO	SEE NOTE (2)
33 USC 499	BRIDGES/ DRAWBRIDGES	NA	\$1,000	PER VIOLATION	1988	NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW	LAW APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
		SET BY LAW AS OF 3/1/81	AS OF 3/1/91	SET BY LAW AS OF 3/1/81	AS OF 3/1/91				
33 USC 502	BRIDGES/ FAILURE TO ALTER BRDG OBSTRUCTING NAV	NA	\$1,000	NA	\$1,000	PER DAY	1982	NO	SEE NOTE (2)
33 USC 533	BRIDGES/ MAINTENANCE AND OPERATION	NA	\$1,000	NA	\$1,000	PER DAY	1983	NO	SEE NOTE (2)
33 USC 1204(a)	BRIDGE-TO-BRIDGE COMMUNICATION	NA	\$500	NA	\$500	PER VIOLATION	1971	YES	YES
33 USC 1208(b)	BRIDGE-TO-BRIDGE COMMUNICATION	NA	\$500	NA	\$500	PER VIOLATION	1971	YES	YES
33 USC 1232	PWSA REGULATIONS	NA	\$25,000	NA	\$25,000	PER DAY	1990	NO	SEE NOTE (1)
33 USC 1234(b)	VESSEL NAVIGATION: REGATTAS OR MARINE PARADES	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
33 USC 1236(c)	VESSEL NAVIGATION: REGATTAS OR MARINE PARADES	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
33 USC 1236(d)	VESSEL NAVIGATION: REGATTAS OR MARINE PARADES	NA	\$2,500	NA	\$2,500	PER VIOLATION	1990	NO	SEE NOTE (1)
33 USC 1321(b)	OIL/HAZARDOUS SUBSTANCES: DISCHARGES	NA	\$25,000	NA	\$25,000	PER VIOLATION	1990	NO	SEE NOTE (1)
33 USC 1321(f)	OIL/HAZARDOUS SUBSTANCES PREVENTION REGS.	NA	\$2,000	NA	\$2,000	PER VIOLATION	1997	NO	SEE NOTE (1)
33 USC 1322(f)	MARINE SANITATION DEVICES	NA	\$5,000	NA	\$5,000	PER VIOLATION	1987	NO	SEE NOTE (1)
33 USC 1322(f)	MARINE SANITATION DEVICES	NA	\$10,000	NA	\$10,000	PER DAY	1989	NO	SEE NOTE (1)
33 USC 1617(a)	DEEPWATER PORTS REGULATIONS	NA	\$1,000	NA	\$1,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 2302(a)	NEGLIGENT OPERATIONS	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 2302(e)(1)	NEGLIGENT OPERATIONS	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 2305(a)(2)(B)(4)	VESSEL REPORTING REQUIREMENTS: OWNER	NA	\$1,000	NA	\$1,000	PER VIOLATION	1984	YES	SEE NOTE (2)
46 USC 2309(b)(2)	VESSEL REPORTING REQUIREMENTS: MASTER	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 3102(e)(1)	IMMERSION SUITS	NA	\$1,000	NA	\$1,000	PER VIOLATION	1984	NO	SEE NOTE (1)
46 USC 3302(f)(5)	INSPECTION PERMIT	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 3318(a)	VESSEL INSPECTION	NA	\$5,000	NA	\$5,000	PER VIOLATION	1986	NO	SEE NOTE (1)
46 USC 3318(b)	VESSEL INSPECTION	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 3318(f)	VESSEL INSPECTION	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 3318(g)	VESSEL INSPECTION	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 3318(h)	VESSEL INSPECTION	NA	\$1,000	NA	\$1,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 3318(i)	VESSEL INSPECTION	NA	\$10,000	NA	\$10,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 3318(j)	VESSEL INSPECTION	NA	\$2,000	NA	\$2,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 3318(k)	VESSEL INSPECTION	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 3502(e)	LIST/COUNT OF PASSENGERS	NA	\$100	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 3504(c)	NOTIFICATION TO PASSENGERS	NA	\$500	NA	\$500	PER TICKET	1983	YES	YES
46 USC 3504(e)	NOTIFICATION TO PASSENGERS	NA	\$200	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 3508	COPIES OF LAWS ON PASSENGER VESSELS	NA	\$25,000	NA	\$25,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 3718(a)(1)	DANGEROUS CARGO CARRIAGE	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 4106	UNINSPECTED VESSELS	NA	\$100,000	NA	\$100,000	PER VIOLATION	1984	YES	YES
46 USC 4311(b)	RECREATIONAL VESSELS	NA	\$2,000	NA	\$2,000	PER VIOLATION	1984	YES	YES
46 USC 4311(b)	RECREATIONAL VESSELS	NA	\$2,000	NA	\$2,000	PER VIOLATION	1984	YES	YES
46 USC 4311(c)	RECREATIONAL VESSELS	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (2)
46 USC 4507	VESSEL INSPECTION	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 5116(a)	LOAD LINES	NA	\$10,000	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 5116(b)	LOAD LINES	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 5116(c)	LOAD LINES	NA	\$1,000	NA	\$1,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 6103(a)	REPORTING MARINE CASUALTIES	NA	\$5,000	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 6103(b)	REPORTING MARINE CASUALTIES	NA	\$5,000	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8101(e)	MANNING OF INSPECTED VESSELS	NA	\$1,000	NA	\$1,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8101(f)	MANNING OF INSPECTED VESSELS	NA	\$10,000	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)

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46 USC 8101(g)	MANNING OF INSPECTED VESSELS	NA	\$10,000	PER VIOLATION	1986	NO	SEE NOTE (1)
46 USC 8102(a)	WATCHMEN ON PASSENGER VESSEL	NA	\$1,000	PER VIOLATION	1984	NO	SEE NOTE (2)
46 USC 8102(f)	CITIZENSHIP REQUIREMENTS	NA	\$500	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 8104(f)	WATCHES ON VESSELS	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8104(d)	WATCHES ON VESSELS	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8302(e)	STAFF DEPARTMENT ON VESSELS	NA	\$100	PER VIOLATION	1986	NO	SEE NOTE (2)
46 USC 8304(d)	OFFICERS' COMPETENCY CERTIFICATES	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 8502(c)	COASTWISE PILOTAGE	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8502(f)	COASTWISE PILOTAGE	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8503	FEDERAL PILOTS	NA	\$25,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 8701(c)	MERCHANT MARINERS DOCUMENTS	NA	\$500	PER VIOLATION	1986	NO	SEE NOTE (1)
46 USC 8702(f)	CREW REQUIREMENTS	NA	\$10,000	PER VIOLATION	1990	NO	SEE NOTE (1)
46 USC 8906	SMALL VESSEL MANNING	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 8908(a)	PILOTAGE: GREAT LAKES	NA	\$10,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 9308(b)	PILOTAGE: GREAT LAKES	NA	\$10,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 9308(c)	PILOTAGE: GREAT LAKES	NA	\$10,000	PER DAY	1990	NO	SEE NOTE (1)
46 USC 10104(d)	FAILURE TO REPORT SEXUAL OFFENSE	NA	\$5,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 10307	POSTING TO AGREEMENTS	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (1)
46 USC 10308(b)	FOREIGN ENGAGEMENTS BY SEAMEN	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 10308(d)	REPLACEMENT OF LOST/DISERSED SEAMEN	NA	\$200	PER REPORT	1983	NO	SEE NOTE (2)
46 USC 10310	DISCHARGE OF SEAMEN	NA	\$50	PER VIOLATION	1983	YES	YES
46 USC 10312(c)	FOREIGN/INTERCOASTAL VOYAGES	NA	\$100	PER VIOLATION	1983	YES	SEE NOTE (2)
46 USC 10314(a)(2)	PAY ADVANCES TO SEAMEN	NA	\$900	PER VIOLATION	1983	YES	YES
46 USC 10314(b)	PAY ADVANCES TO SEAMEN	NA	\$900	PER VIOLATION	1983	YES	YES
46 USC 10315(c)	ALLOTMENTS TO SEAMEN	NA	\$500	PER VIOLATION	1983	YES	YES
46 USC 10321	SEAMEN PROTECTION GENERAL	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 10508(b)	SEAMEN PROTECTION GENERAL	NA	\$20	PER VIOLATION	1983	YES	YES
46 USC 10711	EFFECTS OF DECEASED SEAMEN	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 10902(a)(2)	COMPLAINTS OF UNFITNESS	NA	\$500	PER VIOLATION	1983	YES	YES
46 USC 10902(c)	PROCEEDINGS ON EXAMINATION OF VESSEL	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 10907(b)	PERMISSION TO MAKE COMPLAINT	NA	\$500	PER VIOLATION	1983	YES	YES
46 USC 1101(f)	ACCOMMODATIONS FOR SEAMEN	\$50	\$500	PER VIOLATION	1983	YES	YES
46 USC 1102(b)	MEDICINE CHESTS ON VESSELS	NA	\$500	PER VIOLATION	1983	YES	YES
46 USC 1104(b)	DESTITUTE SEAMEN	NA	\$100	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 1105(c)	WAGES ON DISCHARGE	NA	\$500	PER VIOLATION	1983	YES	YES
46 USC 11903(a)	MERCHANT SEAMEN PROTECTION AND RELIEF	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 11903(b)	MERCHANT SEAMEN PROTECTION AND RELIEF	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 11903(c)	MERCHANT SEAMEN PROTECTION AND RELIEF	NA	\$150	PER VIOLATION	1983	YES	YES
46 USC 11903(a)	LOG BOOKS	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 11903(b)	LOG BOOKS	NA	\$200	PER VIOLATION	1983	YES	YES
46 USC 11903(c)	LOG BOOKS	NA	\$150	PER VIOLATION	1983	YES	YES
46 USC 11906	CARRYING SHEATH KNIVES	NA	\$50	PER VIOLATION	1983	YES	YES
46 USC 12122(a)	IDENTIFICATION OF VESSELS	NA	\$500	PER DAY	1986	NO	SEE NOTE (1)

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46 USC 12309(c)	NUMBERING OF UNDOCUMENTED VESSELS	NA	\$1,000	PER VIOLATION	1983	NO	SEE NOTE (2)
46 USC 12607(b)	VESSEL IDENTIFICATION SYSTEM	NA	\$10,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 14701	MEASUREMENT OF VESSELS	NA	\$20,000	PER DAY	1988	NO	SEE NOTE (1)
46 USC 14701	REGISTRY/RECORDING- TONNAGE	NA	\$20,000	PER VIOLATION	1988	NO	SEE NOTE (1)
46 USC 14702	MEASUREMENTS/FALSE STATEMENTS	NA	\$20,000	PER STATEMENT	1988	NO	SEE NOTE (1)
49 USC 1608(a)(1)	HAZARDOUS MATERIALS - RELATING TO VESSELS	NA	\$10,000	PER DAY	1976	YES	SEE NOTE (1)
<b>U.S. DEPT. OF TRANSPORTATION</b>							
<b>FEDERAL AVIATION ADMINISTRATION</b>							
49 APP. USC 1471(a)	VIOLATIONS/FEDERAL AVIATION ACT OF 1958	NA	\$1,000	PER VIOLATION	1958	YES	SEE NOTE (1)
49 APP. USC 1471(c)	IMPROPER AIRCRAFT OPERATION FOR HIRE	NA	\$10,000	PER VIOLATION	1987	NO	SEE NOTE (1)
49 APP. USC 1809(a)	VIOLATION OF HAZARDOUS MAT. REGS. OR TRANSPORT	\$250	\$25,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
<b>U.S. DEPT. OF TRANSPORTATION</b>							
<b>FEDERAL HIGHWAY ADMINISTRATION</b>							
49 USC APP. 5210(x)(2)(A)	FEDERAL MOTOR CARRIER SAFETY REGULATIONS ACT --VIOLATIONS	NA	\$500	PER VIOLATION MTE	1984	YES	SEE NOTE (2)
	--VIOLATIONS/SERIOUS PATTERN OF ABUSE	NA	\$2,500	PER VIOLATION MTE	1984	YES	SEE NOTE (2)
	--SERIOUS HEALTH OR SAFETY VIOLATION	NA	\$10,000	PER VIOLATION	1984	YES	SEE NOTE (2)
	--EMPLOYEE WNEGLIGENT ACTIONS	NA	\$1,000	PER VIOLATION	1984	NO	SEE NOTE (1)
49 USC APP. 5210(x)(2)(B)	VIOLATIONS/COMMERCIAL DRIVERS LICENSE STANDARDS	NA	\$2,500	PER VIOLATION	1986	NO	SEE NOTE (1)
49 USC APP. 1809(a)	VIOLATION OF HAZARDOUS MAT. REGS. OR TRANSPORT	\$250	\$25,000	PER VIOLATION PER DAY	1990	NO	SEE NOTE (1)
49 USC APP. 10927 NOTE	MOTOR CARRIER FAILURE TO MAINTAIN FIN. RESPONSIBILITY	NA	\$10,000	PER VIOLATION PER DAY	1981	YES	SEE NOTE (1)
<b>U.S. DEPT. OF TRANSPORTATION</b>							
<b>FEDERAL RAILROAD ADMINISTRATION</b>							
45 USC 13	RAILROAD SAFETY VIOLATIONS	\$250	\$10,000	PER VIOLATION	1988	NO	SEE NOTE (1)
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	PER VIOLATION	1988	NO	SEE NOTE (1)
45 USC 34	VIOLATIONS INVOLVING UNSAFE OPERATION, INSPECTIONS, REQ. REPORTS	\$250	\$10,000	PER VIOLATION	1988	NO	SEE NOTE (1)
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	PER VIOLATION	1988	NO	SEE NOTE (1)
45 USC 43	REPORTING VIOLATIONS	\$250	\$10,000	PER VIOLATION	1988	NO	SEE NOTE (1)
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	PER VIOLATION	1988	NO	SEE NOTE (1)
45 USC 64a	VIOLATIONS INVOLVING WORK HOURS	NA	\$1,000	PER VIOLATION	1988	NO	SEE NOTE (1)
45 USC 438	VIOLATIONS INVOLVING SAFETY RULES	NA	\$10,000	PER VIOLATION	1988	NO	SEE NOTE (1)
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	PER VIOLATION	1988	NO	SEE NOTE (1)
49 APP. USC 26	VIOLATION INVOLVING SAFETY APPLIANCES, METHODS, SYSTEMS	\$250	\$10,000	PER VIOLATION	1988	NO	SEE NOTE (1)
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	PER VIOLATION	1988	NO	SEE NOTE (1)

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U.S. DEPT. OF TRANSPORTATION MARITIME ADMINISTRATION						
46 APP. USC 1122a	FAILURE TO REPORT POSITION	NA	\$50	PER DAY	1968	YES
46 USC 31309	IMPROPER VESSEL TRANSFER	NA	\$10,000	PER VIOLATION	1990	NO SEE NOTE (1)
U.S. DEPT. OF TRANSPORTATION NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION						
15 USC 1988(a)	VIOLATIONS OF MOTOR VEHICLE SAFETY ACT	NA	\$1,000	PER VIOLATION	1966	YES
15 USC 1917(a)	--RELATED SERIES OF VIOLATIONS NONCOMPLIANCE/BUMPER STANDARDS	NA	\$900,000	PER RELATED SERIES OF VIOLATIONS	1974	YES
15 USC 1948(a)	--RELATED SERIES OF VIOLATIONS FAILURE TO PROVIDE CONSUMER INFORMATION	NA	\$1,000	PER VIOLATION	1972	YES
15 USC 1960(b)(4)	--RELATED SERIES OF VIOLATIONS ODOMETER VIOLATIONS	NA	\$800,000	PER RELATED SERIES OF VIOLATIONS	1972	YES
15 USC 2008(b)(1)	--RELATED SERIES OF VIOLATIONS VIOLATIONS/AVG. FUEL ECONOMY STANDARDS	NA	\$400,000	PER RELATED SERIES OF VIOLATIONS	1972	YES
15 USC 2028(a)(1)	VIOLATIONS/VEHICLE THEFT PREVENTION STNDS.	NA	\$2,000	PER VIOLATION	1986	NO SEE NOTE (1)
15 USC 2028(a)(4)	MULTIPLE VIOLATIONS/VEHICLE THEFT PREVENTION STNDS.	NA	\$100,000	PER RELATED SERIES OF VIOLATIONS	1978	YES
15 USC 2028(a)(4)		NA	\$5	PER 10TH MI OVER	1975	YES
15 USC 2028(a)(4)		NA	\$1,000	PER VIOLATION	1984	NO SEE NOTE (2)
15 USC 2028(a)(4)		NA	\$250,000	PER SERIES OF RELATED VIOLATIONS	1984	YES
U.S. DEPT. OF TRANSPORTATION OFFICE OF THE SECRETARY						
49 USC APP. 1471(a)(1)	VIOLATIONS/TITLE 4 OF FED. AVIATION ACT	NA	\$1,000	PER VIOLATION	1962	YES
U.S. DEPT. OF TRANSPORTATION RESEARCH AND SPECIAL PROJECTS ADMINISTRATION						
49 USC 1679	NATURAL GAS PIPELINE SAFETY	NA	\$10,000	PER VIOLATION PER DAY	1966	NO SEE NOTE (1)
49 USC 1609	HAZARDOUS MATERIALS TRANSPORTATION SAFETY	\$250	\$25,000	PER VIOLATION PER DAY	1990	NO SEE NOTE (1)
49 USC 2007	HAZARDOUS LIQUID PIPELINE SAFETY	NA	\$10,000	PER VIOLATION PER DAY	1988	NO SEE NOTE (1)
U.S. DEPT. OF TRANSPORTATION ST. LAWRENCE SEAWAY DEVELOPMENT CORP.						
33 USC 1232	SEAWAY REGULATIONS	NA	\$25,000	PER DAY	1990	NO SEE NOTE (1)
U.S. DEPT. OF THE TREASURY BUREAU OF ALCOHOL TOBACCO AND FIREARMS						
26 USC 5194(g)(2)	NON-COMPLIANCE-SUBCHAPT. F--DRAWBACK REGS.	NA	\$1,000	PER VIOLATION	1984	NO SEE NOTE (2)
26 USC 5761(a)	NON-COMPLIANCE- CHAPTER 62 - TOBACCO	NA	\$1,000	PER VIOLATION	1939	YES

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		SET BY LAW AS OF 3/1/81	AS OF 3/1/81	SET BY LAW AS OF 3/1/81	AS OF 3/1/81				
26 USC 7288	POSSESSION OF GOODS WITH FRAUDULENT INTENT TO EVADE TAX	NA	NA	\$500	\$500	PER POSSESSION, OR 200% OF TAXES ATTEMPTED TO BE EVADED, WHICHEVER IS GREATER	1964	YES	YES
26 USC 7271	STAMP PENALTIES	NA	NA	\$50	\$50	PER OFFENSE	1977	YES	YES
26 USC 7304	FRAUDULENTLY CLAIMING A DRAWBACK	NA	NA	\$500	\$500	PER CLAIM, OR 300% OF AMOUNT CLAIM	1977	YES	YES
26 USC 7342	REFUSAL TO PERMIT GOVT EMPLOYEE TO ENTER OR EXAMINE	NA	NA	500	500	PER REFUSAL	1964	YES	YES
27 USC 218	NON-COMPLIANCE-ALCOHOLIC BEV. LABELING	NA	NA	\$10,000	\$10,000	PER VIOLATION PER DAY	1988	NO	SEE NOTE (1)
U.S. DEPT. OF THE TREASURY									
U.S. CUSTOMS SERVICE									
19 USC 282	FAILURE TO COMPLY WITH PROVISIONS OR REQUIREMENTS	NA	NA	\$20	\$20	PER FAILURE OR NEGLECT	1970	YES	YES
19 USC 469	DEALING IN OR USING EMPTY STAMPED IMPORTED LIQUOR CONTAINERS	NA	NA	\$200	\$200	PER CASK OR PACKAGE	1960	YES	YES
19 USC 1438(b)	FORGED, ALTERED, OR INCOMPLETE MANIFEST OR DOCUMENT	NA	NA	\$5,000	\$5,000	PER 1ST VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1439	FORGED, ALTERED, OR INCOMPLETE MANIFEST OR DOCUMENT	NA	NA	\$10,000	\$10,000	PER SUBSEQUENT VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1440	FAILURE TO DELIVER OR CORRECT MANIFEST	NA	NA	\$500	\$500	PER VIOLATION	1930	YES	YES
19 USC 1445	FAILURE TO CORRECT MANIFEST	NA	NA	\$500	\$500	PER VIOLATION	1930	YES	YES
19 USC 1454	FAILURE TO HAVE PERMIT TO VISIT ANOTHER PORT/DISTRICT	NA	NA	\$500	\$500	PER VIOLATION	1930	YES	YES
19 USC 1455	UNLOADING PASSENGERS WITHOUT PERMIT	NA	NA	\$1,000	\$1,000	PER 1ST PASSENGER	1966	NO	SEE NOTE (1)
19 USC 1459	UNLOADING PASSENGERS WITHOUT PERMIT	NA	NA	\$500	\$500	PER SUBSEQUENT PASSENGER	1966	NO	SEE NOTE (1)
19 USC 1608	OBSTRUCTION OR HINDRANCE OF CUSTOMS OFFICER	NA	NA	\$5,000	\$5,000	PER VIOLATION	1930	YES	YES
19 USC 1581(c)	FAILURE OF INDIVIDUALS TO REPORT ARRIVAL TO CUSTOMS	NA	NA	\$10,000	\$10,000	PER 1ST VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1581(d)	FAILURE OF INDIVIDUALS TO REPORT ARRIVAL TO CUSTOMS	NA	NA	\$10,000	\$10,000	PER SUBSEQUENT VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1594	FAILURE TO RETAIN RECORDS OF EXPORTS TO CANADA	NA	NA	\$10,000	\$10,000	PER VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1585	PRESENTATION BY VESSEL MASTER OF FORGED, ALTERED, FALSE DOCUMENT	NA	NA	\$5,000	\$5,000	PER VIOLATION	1930	YES	YES
19 USC 1586(a)	FAILURE OF A VESSEL OR VEHICLE TO STOP WHEN DIRECTED	\$500	\$500	\$5,000	\$5,000	PER VIOLATION	1930	YES	YES
19 USC 1586(b)	FALSE OR NO MANIFEST	\$1,000	\$1,000	\$5,000	\$5,000	PER VIOLATION	1930	YES	YES
19 USC 1586(c)	DEPARTURE OF VESSEL W/O MAKING RPT OR ENTRY	NA	NA	\$5,000	\$5,000	PER VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1586(d)	DEPARTURE OF VESSEL W/O MAKING RPT OR ENTRY	NA	NA	\$10,000	\$10,000	PER VIOLATION	1966	NO	SEE NOTE (1)
19 USC 1586(e)	UNLOADING BEFORE VESSEL COMES TO PROPER PLACE	NA	NA	\$10,000	\$10,000	OR 2X THE MERCH. VALUE, WHICHEVER IS GREATER	1966	NO	SEE NOTE (1)
19 USC 1586(f)	TRANSSHIPMENT OF PROHIBITED MERCHANDISE FOR PURPOSES OF ILLEGAL ENTRY	NA	NA	\$10,000	\$10,000	OR 2X THE MERCH. VALUE, WHICHEVER IS GREATER	1966	NO	SEE NOTE (1)
19 USC 1586(g)	TRANSSHIPMENT OF PROHIBITED MERCHANDISE TO U.S. VESSEL	NA	NA	\$10,000	\$10,000	OR 2X THE MERCH. VALUE, WHICHEVER IS GREATER	1966	NO	SEE NOTE (1)
19 USC 1586(h)	MASTER RECEIVES UNLAWFULLY TRANSSHIPPED MERCHANDISE	NA	NA	\$10,000	\$10,000	OR 2X THE MERCH. VALUE, WHICHEVER IS GREATER	1966	NO	SEE NOTE (1)
19 USC 1587(a)	REFUSAL BY VESSEL MASTER TO COMPLY WITH DIRECTIONS OF CUSTOMS OFFICER OR ANS	\$500	\$500	\$5,000	\$5,000	PER VIOLATION	1966	YES	YES
19 USC 1590	USE OF AIRCRAFT TO INTRODUCE MERCHANDISE	NA	NA	\$10,000	\$10,000	OR 2X THE MERCH. VALUE, WHICHEVER IS GREATER	1966	NO	SEE NOTE (1)
19 USC 1599	CUSTOMS OFFICER OWNERSHIP OR INTEREST IN VESSEL, CARGO, OR IMPORT MERCHANDIS	NA	NA	\$500	\$500	PER VIOLATION	1978	YES	YES
19 USC 1627(a)(1)	IMPORT/EXPORT VEHICLE	NA	NA	\$10,000	\$10,000	PER VIOLATION	1984	YES	YES
19 USC 1627(b)	VIOLATION OF REGULATIONS	NA	NA	\$500	\$500	PER VIOLATION	1984	YES	YES
19 USC 1641(c)(6)	CONDUCTING CUSTOMS BUSINESS W/O A LICENSE	NA	NA	\$10,000	\$10,000	PER TRANSACTION	1986	NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	LAW MODIFICATION PROVIDED	TEXT OF LAW
		AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91				
19 USC 1641(d)(2)(A)	CUSTOMS BROKER PENALTIES	NA	\$30,000	PER VIOLATION	1986	NO	SEE NOTE (1)
19 USC 1708(a)	LOADING VESSEL IN FOREIGN PORT WITH LIQUOR FOR IMPORTATION	NA	\$1,000	PER VIOLATION, OR VALUE OF MERCHANDISE, WHICHEVER IS GREATER	1935	YES	YES
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	\$1,000	\$5,000	PER VIOLATION	1935	YES	YES
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	\$500	\$1,000	PER VIOLATION	1935	YES	YES
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	NA	\$1,000	PER VIOLATION	1935	YES	YES
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	NA	\$50	PER VIOLATION	1935	YES	YES
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	NA	\$100	PER VIOLATION	1935	YES	YES
46 USC 289	COASTWISE TRANSPORT PASSENGER	NA	\$200	PER VIOLATION	1986	YES	YES
46 USC APP. 1474	VIOLATION BY AIRCRAFT OPERATORS OF ANY REGS IN PART 122	NA	\$5,000	PER VIOLATION	1986	NO	SEE NOTE (1)
<b>U.S. DEPT. OF THE TREASURY</b>							
<b>DEPARTMENTAL OFFICES/OFFICE OF ENFORCEMENT</b>							
12 USC 1628b & 1951-1959, & 31 USC 5311, 5326, 5321	NEGLECTED RECORDKEEPING AND REPORTING	NA	\$500	PER VIOLATION	1986	NO	SEE NOTE (1)
12 USC 1628b, 1951-1959 & 31 USC 5311, 5326, 5321	FAILURE TO MAINTAIN FINANCIAL RECORDS	NA	\$10,000	PER VIOLATION	1986	NO	SEE NOTE (1)
31 USC 5313 & 5321	FAILURE TO FILE CURRENCY TRANSACTION REPORT	\$25,000	\$100,000	PER VIOLATION	1986	NO	SEE NOTE (1)
31 USC 5314 & 5321	FAIL TO MAINTAIN FOREIGN ACCOUNT RECORDS	\$25,000	\$100,000	PER VIOLATION	1986	NO	SEE NOTE (1)
31 USC 5314 & 5321	FAILURE TO FILE FOREIGN BANK ACCOUNT REP	\$25,000	\$100,000	PER VIOLATION	1986	NO	SEE NOTE (1)
<b>U.S. DEPT. OF THE TREASURY</b>							
<b>INTERNAL REVENUE SERVICE</b>							
26 USC 6652(a)	FAILURE TO FILE INFO RETURN ON LESS THAN \$10	\$1	\$1,000	MIN PER STMT; MAX PER YEAR	1986	NO	SEE NOTE (1)
26 USC 6652(c)(1)(A)	FAILURE TO FILE RETURN BY EXEMPT ORGANIZATION	\$10	\$5,000	MIN PER DAY; MAX PER RTN, OR 5% OF RECEIPTS	1987	NO	SEE NOTE (1)
26 USC 6652(c)(1)(B)	FAILURE TO FILE RETURN BY MGR OF EXEMPT ORGAN	\$10	\$5,000	MIN PER DAY; MAX PER RTN	1987	NO	SEE NOTE (1)
26 USC 6652(c)(1)(C)	FAILURE TO ALLOW PUBLIC INSPECTION OF EXEMPT ORG RTN	NA	\$10	PER DAY	1989	YES	YES
26 USC 6652(c)(1)(D)	FAILURE TO ALLOW PUBLIC INSPECTION OF APPL FOR EXEMPTION	NA	\$10	PER DAY	1989	YES	YES
26 USC 6652(c)(2)(A)	FAILURE TO FILE RETURN BY EXEMPT ORG OR TRUST	\$10	\$5,000	MIN PER DAY; MAX PER RTN	1987	NO	SEE NOTE (1)
26 USC 6652(c)(2)(B)	FAILURE TO FILE RETURN BY MGR OF EXEMPT ORG OR TRUST	\$10	\$5,000	MIN PER DAY; MAX PER RTN	1987	NO	SEE NOTE (1)
26 USC 6652(d)(1)	FAILURE TO REGISTER EMPLOYEE PLAN	\$1	\$5,000	MIN PER PARTIC PER DAY; MAX PER PLAN YEAR	1988	NO	SEE NOTE (1)
26 USC 6652(d)(2)	FAILURE TO NOTIFY OF CHANGE IN PLAN STATUS	\$1	\$1,000	MIN PER DAY; MAX PER NOTICE	1986	NO	SEE NOTE (1)
26 USC 6652(e)	FAILURE TO FILE INFO ON EMPLOYEE PLAN	\$25	\$15,000	MIN PER DAY; MAX PER RTN	1986	NO	SEE NOTE (1)
26 USC 6652(f)	FAILURE TO FILE RTN OF FOREIGN INVESTMENT IN U.S. REALTY	\$25	\$25,000	MIN PER DAY;	1986	NO	SEE NOTE (1)
26 USC 6652(g)	FAILURE TO FILE INFO ON EMPLOYEE CONTRIBUTIONS	\$25	\$10,000	MIN PER YEAR (\$25,000 OR 5% OF FMV) MAX PER PARTIC PER DAY;	1986	NO	SEE NOTE (1)
26 USC 6652(h)	FAILURE TO NOTIFY RECIPIENTS OF PLAN DISTRIBUTIONS	\$10	\$5,000	MIN PER REP	1986	NO	SEE NOTE (1)
26 USC 6652(i)	FAILURE TO NOTIFY RECIPIENTS OF ROLLOVER DISTRIBUTIONS	\$10	\$5,000	MIN PER NOTICE; MAX PER YEAR	1986	NO	SEE NOTE (1)
26 USC 6652(j)	FAILURE TO FILE RESIDENTIAL RENTAL PROPERTY CERTIFICATE	NA	\$100	PER CERTIFICATE	1986	NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW/APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
26 USC 6652(k)	FAILURE TO FILE MISCELLANEOUS CORP RETURNS	\$500	\$100,000	MIN PER DAY; MAX PER RTN	1980 NO	SEE NOTE (1)
26 USC 6657	PAYMENT OF TAX WITH BAD CHECK (IF CHECK AMOUNT < \$750)	NA	\$16	PER CHECK, OR AMOUNT OF CHECK, WHICHEVER IS LESS	1989 NO	SEE NOTE (1)
26 USC 6673(a)	FRIVOLOUS SUIT BEFORE TAX COURT	NA	\$25,000	PER PROCEEDING	1989 NO	SEE NOTE (1)
26 USC 6673(b)	FRIVOLOUS SUITS BEFORE OTHER COURTS	NA	\$10,000	PER PROCEEDING	1989 NO	SEE NOTE (1)
26 USC 6674	FURNISHING FALSE WAGE WITHHOLDING CERTIFICATE	NA	\$50	PER STATEMENT	1985 YES	YES
26 USC 6675	EXCESSIVE CLAIMS RE USE OF FUELS	NA	\$10	PER CLAIM, OR DOUBLE THE EXCESSIVE AMOUNT	1954 YES	YES
26 USC 6677	FAILURE TO FILE RETURN FOR FOREIGN TRUST	NA	\$1,000	PER RTN	1975 YES	YES
26 USC 6679	FAILURE TO FILE RETURN FOR FOREIGN CORP OR PARTNERSHIP	NA	\$1,000	PER RTN	1982 NO	SEE NOTE (2)
26 USC 6682	FALSE WITHHOLDING CERTIFICATE: BACKUP OR OTHER WITHHOLDING (NON-WAGE)	NA	\$500	PER STATEMENT	1983 YES	YES
26 USC 6685	WILLFUL FAILURE TO ALLOW PUBLIC INSPECTION OF EXEMPT ORG RTN	NA	\$1,000	PER RTN	1986 NO	SEE NOTE (1)
26 USC 6686	FAILURE SUPPLY INFO BY DISC OR FSC	\$100	\$25,000	PER YEAR	1984 YES	YES
26 USC 6686	FAILURE TO FILE RETURN BY DISC OR FSC	NA	\$1,000	PER RETURN	1984 NO	SEE NOTE (2)
26 USC 6688	FAILURE TO FURNISH INFO RE U.S. POSSESSIONS	NA	\$100	PER STATEMENT	1972 YES	YES
26 USC 6690	FRAUDULENT STATEMENT TO EMPLOYEE PLAN PARTICIPANT	NA	\$50	PER STATEMENT	1974 YES	YES
26 USC 6692	FAILURE TO FILE ACTUARIAL REPORT	NA	\$1,000	PER REPORT	1974 YES	YES
26 USC 6692(a)	FAILURE TO FILE IRA REPORT	NA	\$50	PER REPORT	1988 NO	SEE NOTE (1)
26 USC 6692(b)(1)	OVERSTATED NON-Deductible IRA CONTRIBUTIONS	NA	\$100	PER OVERSTATEMENT	1988 NO	SEE NOTE (1)
26 USC 6692(b)(2)	FAILURE TO FILE FORMS FOR IRA	NA	\$50	PER FORM	1986 NO	SEE NOTE (1)
26 USC 6694(a)	PREPARER UNDERSTATEMENT DUE TO UNREALISTIC POSITION	NA	\$250	PER RTN	1989 NO	SEE NOTE (1)
26 USC 6694(b)	PREPARER WILLFUL UNDERSTATEMENT	NA	\$1,000	PER RTN	1989 NO	SEE NOTE (1)
26 USC 6695(a)	PREPARER FAILURE TO FURNISH COPY OF RTN TO TAXPAYER	\$50	\$25,000	MIN PER RTN; MAX PER YEAR	1989 NO	SEE NOTE (1)
26 USC 6695(b)	PREPARER FAILURE TO SIGN RETURN	\$50	\$25,000	MIN PER RTN; MAX PER YEAR	1989 NO	SEE NOTE (1)
26 USC 6695(c)	PREPARER FAILURE TO FURNISH HIS ID NUMBER ON RTN	\$50	\$25,000	MIN PER RTN; MAX PER YEAR	1989 NO	SEE NOTE (1)
26 USC 6695(d)	PREPARER FAILURE TO RETAIN COPY OF RETURN	\$50	\$25,000	MIN PER RTN; MAX PER RTN PERIOD	1989 NO	SEE NOTE (1)
26 USC 6695(e)	PREPARER FAILURE TO FILE INFO RETURNS	\$50	\$25,000	MIN PER RTN; MAX PER RTN PERIOD	1989 NO	SEE NOTE (1)
26 USC 6695(f)	PREPARER NEGOTIATION OF REFUND CHECK	NA	\$500	PER CHECK	1978 YES	YES
26 USC 6698	FAILURE TO FILE PARTNERSHIP RETURN	NA	\$50	PER RTN; PARTNERS' AMOS. (UP TO 5)	1978 YES	YES
26 USC 6700	PROMOTING ABUSIVE TAX SHELTERS	NA	\$1,000	PER ACTIVITY, OR GROSS INCOME FROM ACTIVITY, WHICHEVER IS LESS	1989 NO	SEE NOTE (1)
26 USC 6701	AIDING AND ABETTING UNDERSTATEMENT OF TAX — IF A CORPORATION	NA	\$1,000	PER DOCUMENT	1989 NO	SEE NOTE (1)
26 USC 6702	FILING FRIVOLOUS INCOME TAX RETURN	NA	\$500	PER RTN	1982 YES	YES
26 USC 6704	FAILURE TO KEEP EMPLOYEE PLAN RECORDS	\$50	\$50,000	PER YEAR (\$50 PER # OF INDIVIDUALS FOR WHICH THERE IS FAILURE)	1985 YES	YES
26 USC 6705	FAILURE BY BROKER TO PROVIDE NOTICE TO PAYORS	NA	\$500	PER NOTICE	1983 YES	YES
26 USC 6706(a)	FAILURE TO PUT OLD LEGEND ON DEBT INSTRUMENT	NA	\$50	PER INSTRUMENT	1984 YES	YES
26 USC 6706(b)	FAILURE TO FURNISH OLD INFO TO SECRETARY	NA	\$50,000	PER ISSUE (MIN. IS 1% OF ISSUE PRICE)	1984 YES	YES
26 USC 6707(a)	FAILURE TO REGISTER TAX SHELTER	NA	\$500	PER SHELTER, OR 1% OF INVESTMENT, WHICHEVER IS GREATER	1986 NO	SEE NOTE (1)
26 USC 6707(b)(1)	FAILURE OF SELLER TO FURNISH TAX SHELTER NUMBER TO INVESTOR	NA	\$100	PER FAILURE	1986 NO	SEE NOTE (1)
26 USC 6707(b)(2)	FAILURE TO INCLUDE TAX SHELTER NUMBER ON RETURN	NA	\$250	PER FAILURE	1986 NO	SEE NOTE (1)
26 USC 6708	FAILURE TO MAINTAIN LIST OF SHELTER INVESTORS	\$50	\$100,000	MIN PER INVESTOR; MAX PER YEAR	1986 NO	SEE NOTE (1)

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EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	TEXT OF LAW	MODIFICATION PROVIDED
26 USC 6708(a)	NEGLIGENT STATEMENT RE MORTGAGE CREDIT CERTIFICATE	NA	\$1,000	PER CERTIFICATE	1987	NO	SEE NOTE (1)
26 USC 6708(b)	FRAUDULENT STATEMENT RE MORTGAGE CREDIT CERTIFICATE	NA	\$10,000	PER CERTIFICATE	1987	NO	SEE NOTE (1)
26 USC 6708(c)	FAILURE TO FILE MORTGAGE CREDIT REPORTS —IF ISSUER	NA	\$200	PER REPORT	1987	NO	SEE NOTE (1)
26 USC 6710	FAILURE BY ORG TO DISCLOSE THAT CONTRIBUTIONS ARE NOT DEDUCTIBLE	NA	\$2,000	PER REPORT	1987	NO	SEE NOTE (1)
26 USC 6711	FAILURE BY EXEMPT ORG TO DISCLOSE THAT INFO IS AVAILABLE FROM GOVT	\$1,000	\$10,000	MIN PER DAY; MAX PER YEAR	1988	NO	SEE NOTE (1)
26 USC 6712	FAILURE TO DISCLOSE TREATY-BASED RETURN POSITION —IF CORPORATION	NA	\$1,000	PER FAILURE WHICHEVER IS GREATER	1988	NO	SEE NOTE (1)
26 USC 6713	DISCLOSURE OF INFO BY PREPARERS	NA	\$10,000	PER FAILURE	1988	NO	SEE NOTE (1)
26 USC 6721(a)	FAILURE TO FILE INFO RETURNS —IF CORRECT BEFORE AUG 1 —IF CORRECT WITHIN 30 DAYS —IF GROSS RECEIPTS NOT MORE THAN \$5,000,000 —IF CORRECT BEFORE AUG 1 —IF CORRECT WITHIN 30 DAYS	\$250	\$250,000	MIN PER RTN; MAX PER YEAR	1989	NO	SEE NOTE (1)
26 USC 6721(b)	INTENTIONAL FAILURE TO FILE INFO RETURNS	\$50	\$150,000	MIN PER RTN; MAX PER YEAR	1989	NO	SEE NOTE (1)
26 USC 6721(c)	INTENTIONAL FAILURE TO FILE CASH TRANSACTION REPORT	NA	\$25,000	PER RTN, OR CASH AMT REC'D, UP TO WHICHEVER IS GREATER	1989	NO	SEE NOTE (1)
26 USC 6722(a)	FAILURE TO FURNISH PAYEE STATEMENTS	\$50	\$100,000	WHICHEVER IS GREATER	1989	NO	SEE NOTE (1)
26 USC 6722(b)	INTENTIONAL FAILURE TO FURNISH PAYEE STATEMENTS	NA	\$100	PER STMT, OR PERCENTAGE OF ITEMS TO BE REPORTED CORRECTLY,	1989	NO	SEE NOTE (1)
26 USC 6723	FAILURE TO COMPLY WITH OTHER INFO RPTNG (INCL FAILURE TO SUPPLY SSN)	\$50	\$100,000	WHICHEVER IS GREATER	1989	NO	SEE NOTE (1)
26 USC 7266	POSSESSION OF GOODS WITH FRAUDULENT INTENT TO EVADE TAX	NA	\$500	PER POSSESSION, OR 200% OF TAXES ATTEMPTED TO BE EVADED,	1984	YES	SEE NOTE (1)
26 USC 7269	FAILURE TO PRODUCE RECORDS	NA	\$500	WHICHEVER IS GREATER	1977	YES	YES
26 USC 7271	STAMP PENALTIES	NA	\$50	PER OFFENSE	1977	YES	YES
26 USC 7272	FAILURE TO REGISTER	NA	\$50	PER FAILURE	1954	YES	YES
26 USC 7273	FAILURE TO KEEP STAMPS RE PAYMENT OF SPECIAL TAX —IF WILLFUL	NA	\$10	PER FAILURE, OR SPECIAL TAX, WHICHEVER IS GREATER	1968	YES	YES
26 USC 7304	FRAUDULENTLY CLAIMING A DRAWBACK	NA	\$20	PER FAILURE, OR 2X SPECIAL TAX,	1988	YES	YES
26 USC 7342	REFUSAL TO PERMIT GOVT EMPLOYEE TO ENTER OR EXAMINE	NA	\$500	WHICHEVER IS GREATER	1977	YES	YES
U.S. DEPT. OF THE TREASURY OFFICE OF THE COMPTROLLER OF THE CURRENCY		NA	500	PER CLAIM, OR 300% OF AMT CLAIMED PER REFUSAL	1954	YES	YES
12 USC 83(b)	VIOLATION—NAT'L BANK ACT—AMIND BY FIRREA—1ST TIER	NA	\$5,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 83(b)	VIOLATION—NAT'L BANK ACT—AMIND BY FIRREA—2ND TIER	NA	\$25,000	PER DAY	1989	NO	SEE NOTE (1)

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U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT	MAXIMUM PENALTY AMOUNT	HOW PENALTY IS APPLIED	YEAR AMOUNT WAS LAST SET BY LAW	LAW MODIFICATION APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
12 USC 63(b)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 164	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-1ST TIER	NA	\$2,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 164	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-2ND TIER	NA	\$20,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 164	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 504	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-1ST TIER	NA	\$5,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 504	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-2ND TIER	NA	\$25,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 504	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 505	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-1ST TIER	NA	\$5,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 505	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-2ND TIER	NA	\$25,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 505	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 1817(X)(1)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-1ST TIER	NA	\$5,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 1817(X)(1)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-2ND TIER	NA	\$25,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 1817(X)(1)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 1818(1)(2)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-1ST TIER	NA	\$5,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 1818(1)(2)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-2ND TIER	NA	\$25,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 1818(1)(2)	VIO-LATION-NAT'L BANK ACT-AMINDD BY FIRREA-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 1832	BANKING LAW VIOLATION	NA	\$1,000	PER VIOLATION	1973	YES	SEE NOTE (1)
12 USC 1972(2)(F)	BANKING LAW VIOLATION-1ST TIER	NA	\$5,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 1972(2)(F)	BANKING LAW VIOLATION-2ND TIER	NA	\$25,000	PER DAY	1989	NO	SEE NOTE (1)
12 USC 1972(2)(F)	BANKING LAW VIOLATION-3RD TIER	NA	\$1,000,000	PER DAY	1989	NO	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS			
12 USC 3909	BANKING LAW VIOLATION	NA	\$1,000	PER VIOLATION	1989	NO	SEE NOTE (1)
12 USC 78u-2	SECURITIES LAW VIOLATION-1ST TIER (NATURAL PERSON)	NA	\$5,000	PER VIOLATION	1990	NO	SEE NOTE (1)
12 USC 78u-2	SECURITIES LAW VIOLATION-1ST TIER (ANY OTHER)	NA	\$50,000	PER VIOLATION	1990	NO	SEE NOTE (1)
12 USC 78u-2	SECURITIES LAW VIOLATION-2ND TIER (NATURAL PERSON)	NA	\$25,000	PER VIOLATION	1990	NO	SEE NOTE (1)
12 USC 78u-2	SECURITIES LAW VIOLATION-2ND TIER (ANY OTHER)	NA	\$250,000	PER VIOLATION	1990	NO	SEE NOTE (1)
12 USC 78u-2	SECURITIES LAW VIOLATION-3RD TIER (NATURAL PERSON)	NA	\$100,000	PER VIOLATION	1990	NO	SEE NOTE (1)
12 USC 78u-2	SECURITIES LAW VIOLATION-3RD TIER (ANY OTHER)	NA	\$500,000	PER VIOLATION	1990	NO	SEE NOTE (1)

NOTES: (1) PENALTY HAS BEEN ADJUSTED IN LAST FIVE YEARS; LAW MODIFICATION TEXT NOT REQUIRED. (2) INFLATION-ADJUSTED VALUE EQUALS THE ORIGINAL PENALTY DUE TO ROUNDING; MODIFICATION TEXT UNNECESSARY.

EXHIBIT 1—CIVIL MONETARY PENALTY AUTHORITIES IDENTIFIED BY FEDERAL AGENCIES

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	HOW PENALTY IS APPLIED	YEAR PENALTY AMOUNT WAS LAST SET BY LAW APPROPRIATE	TEXT OF LAW MODIFICATION PROVIDED
<b>U.S. DEPT. OF THE TREASURY</b>						
<b>OFFICE OF THRIFT SUPERVISION</b>						
12 USC 1464(v) & 1467a(f)	BANKING LAW VIOLATION - 1ST TIER	NA	\$2,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1464(v) & 1467a(f)	BANKING LAW VIOLATION - 2ND TIER	NA	\$20,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1464(v) & 1467a(f)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1467a(b)(3)	VIOLATIONS OF HOLDING COMPANY ACT	NA	\$25,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1467(d)	BANKING LAW VIOLATION	NA	\$5,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1617(k)(1)(A)	CHANGE IN CONTROL VIOLATION - 1ST TIER	NA	\$5,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1617(k)(1)(B)	CHANGE IN CONTROL VIOLATION - 2ND TIER	NA	\$25,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1617(k)(1)(C)	CHANGE IN CONTROL VIOLATION - 3RD TIER	NA	\$1,000,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
				OR 1% OF TOTAL BANK ASSETS, WHICHEVER IS LESS		
12 USC 1618(k)(2)	BANKING LAW VIOLATION - 1ST TIER	NA	\$5,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1618(k)(2)	BANKING LAW VIOLATION - 2ND TIER	NA	\$25,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1628(k)(4)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1628(k)(4)	BANKING LAW VIOLATION - 1ST TIER	NA	\$5,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1628(k)(4)	BANKING LAW VIOLATION - 2ND TIER	NA	\$25,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 1628(k)(4)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 3349(b)	BANKING LAW VIOLATION - 1ST TIER	NA	\$5,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 3349(b)	BANKING LAW VIOLATION - 2ND TIER	NA	\$25,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
12 USC 3349(b)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	PER VIOLATION PER DAY	1989	SEE NOTE (1)
<b>U.S. DEPT. OF VETERANS AFFAIRS</b>						
31 USC 3602(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	PER CLAIM	1986	SEE NOTE (1)
31 USC 3602(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	PER STATEMENT	1986	SEE NOTE (1)
38 USC 1610(g)(4)(B)	FALSE HOUSING LOAN CERTIFICATION	NA	\$10,000	PER VIOLATION	1986	SEE NOTE (1)
<b>ADDITIONAL PENALTIES IDENTIFIED BY THE DEPARTMENT OF JUSTICE</b>						
12 USC 1833a	FIRREA VIOLATION	NA	\$1,000,000	PER VIOLATION	1989	SEE NOTE (1)
	—CONTINUING VIOLATION	NA	\$1,000,000	PER DAY, OR	1989	SEE NOTE (1)
		NA	\$5,000,000	WHICHEVER IS LESS	1989	SEE NOTE (1)
15 USC 1194(e)	FLAMMABLE FABRICS ACT VIOLATION	NA	\$5,000	PER VIOLATION	1980	SEE NOTE (1)
	—RELATED SERIES OF VIOLATIONS	NA	\$1,250,000	PER VIOLATION	1980	SEE NOTE (1)
22 USC 2399b(e)	FOREIGN ASSISTANCE ACT/FRAUDULENT CLAIM FOR ASSISTANCE	NA	\$2,000	PER VIOLATION PLUS 2X DAMAGES	1968	YES
40 USC 490(b)(1)	VIOLATION INVOLVING SURPLUS GOVERNMENT PROPERTY	NA	\$2,000	PER ACT	1949	YES
41 USC 55(a)(1)	VIOLATIONS INVOLVING KICKBACKS TO EMPLOYEES OR SUBCONTRACTORS	NA	\$10,000	PER OCCURRENCE PLUS 2X VALUE OF THE KICKBACK	1986	NO

NOTES: (1) PENALTY HAS BEEN ADJUSTED IN LAST FIVE YEARS; LAW MODIFICATION TEXT NOT REQUIRED. (2) INFLATION-ADJUSTED VALUE EQUALS THE ORIGINAL PENALTY DUE TO ROUNDING; MODIFICATION TEXT UNNECESSARY.

**Exhibit 2**

**Civil Monetary Penalty Inflation Adjustments**

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
						FL 101-410	FL 101-410	FL 101-410	FL 101-410			
<b>U.S. DEPT. OF AGRICULTURE</b>												
<b>AGRICULTURAL MARKETING SERVICE</b>												
7 USC 498b(6)	VIOLATION OF UNFAIR CONDUCT	NA	\$2,000	395.1 / 146.9	2.649	NA	\$5,287	NA	NA	NA	\$5,200	
7 USC 498c(4)	VIOLATION OF LICENSING REQUIREMENTS	NA	\$25	395.1 / 45.1	8.028	NA	\$228	NA	NA	NA	\$200	
7 USC 498c(5)	VIOLATION OF LICENSING REQUIREMENTS	NA	\$500	395.1 / 195.3	1.992	NA	\$996	NA	NA	NA	\$1,000	
7 USC 608c(14)(B)	VIOLATION OF PROGRAM	NA	\$1,000	395.1 / 340.1	1.144	NA	\$1,144	NA	NA	NA	\$1,000	
7 USC 610(b)	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	395.1 / 25.8	13.057	NA	\$1,306	NA	\$100	NA	\$1,000	
7 USC 1596(b)	VIOLATION OF PROGRAM	\$25	\$500	395.1 / 91.4	4.780	NA	\$4,007	NA	NA	NA	\$4,000	
7 USC 2021(b)(3)	FAILURE TO PAY ASSESSMENTS	\$500	\$5,000	395.1 / 97.1	4.007	NA	\$6,895	NA	\$700	NA	\$7,000	
7 USC 2021(b)(3)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	395.1 / 200.5	1.339	NA	\$669	NA	NA	NA	\$700	
7 USC 2714(b)(1)	VIOLATION OF PROGRAM	\$500	\$5,000	395.1 / 247.8	1.571	NA	\$7,857	NA	\$800	NA	\$8,000	
7 USC 2714(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	395.1 / 247.8	1.571	NA	\$788	NA	NA	NA	\$800	
7 USC 2808(a)(2)	VIOLATION OF PROGRAM	NA	\$5,000	395.1 / 170.1	2.287	NA	\$11,437	NA	NA	NA	\$10,000	
7 USC 3410(b)	VIOLATION OF PROGRAM	NA	\$5,000	395.1 / 181.5	2.140	NA	\$2,140	NA	NA	NA	\$2,000	
7 USC 4314(b)(1)	VIOLATION OF PROGRAM	\$500	\$5,000	395.1 / 273.5	1.494	NA	\$7,171	NA	\$700	NA	\$7,000	
7 USC 4314(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	395.1 / 273.5	1.494	NA	\$717	NA	NA	NA	\$700	
7 USC 4510(b)	VIOLATION OF PROGRAM	NA	\$1,000	395.1 / 286.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	
7 USC 4510(b)(1)	VIOLATION OF PROGRAM	\$500	\$5,000	395.1 / 310.7	1.252	NA	\$6,262	NA	\$600	NA	\$6,000	
7 USC 4510(b)(2)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	395.1 / 310.7	1.252	NA	\$626	NA	NA	NA	\$600	
7 USC 4815(b)(1)(A)(i)	VIOLATION OF PROGRAM	NA	\$1,000	395.1 / 310.7	1.252	NA	\$1,207	NA	NA	NA	\$1,000	
7 USC 4815(b)(2)(A)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	395.1 / 322.3	1.207	NA	\$604	NA	NA	NA	\$600	
7 USC 4815(b)(3)	FAILURE TO OBEY CEASE & DESIST	NA	\$500	395.1 / 322.3	1.207	NA	\$604	NA	NA	NA	\$600	
21 USC 1051	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	395.1 / 29.8	13.057	NA	\$1,306	NA	NA	NA	\$1,000	
<b>U.S. DEPT. OF AGRICULTURE</b>												
<b>ANIMAL AND PLANT HEALTH INSPECTION SERVICE</b>												
7 USC 149(b)(2)	VIOLATION OF PLANT & PEST QUARANTINE REGS.	NA	\$1,000	395.1 / 298.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	
7 USC 1595(b)	VIOLATIONS OF THE FEDERAL PLANT PEST ACT	NA	\$1,000	395.1 / 298.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	
7 USC 163	ALTERATIONS OF CERTIFICATES	NA	\$1,000	395.1 / 298.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	
7 USC 1696(b)	VIOLATIONS OF FEDERAL SEED ACT	\$25	\$500	395.1 / 81.4	4.780	NA	\$2,390	NA	\$100	NA	\$2,000	
7 USC 2149(b)	FAILURE TO OBEY CEASE & DESIST ORDER	NA	\$1,500	395.1 / 322.3	1.207	NA	\$1,811	NA	NA	NA	\$2,000	
7 USC 2149(b)	VIOLATION OF ANIMAL WELFARE ACT	NA	\$2,500	395.1 / 322.3	1.207	NA	\$3,016	NA	NA	NA	\$3,000	
7 USC 3805(a)	VIOLATIONS OF SWINE HEALTH PROTECTION ACT	NA	\$10,000	395.1 / 247.8	1.571	NA	\$15,715	NA	NA	NA	\$15,000	
15 USC 1825(b)(1)	HORSE PROTECTION ACT VIOLATIONS	NA	\$2,000	395.1 / 170.1	2.287	NA	\$4,575	NA	NA	NA	\$5,000	
15 USC 1825(c)	FAILURE TO OBEY HORSE PROTECT. ACT DISQUALS.	NA	\$3,000	395.1 / 170.1	2.287	NA	\$6,862	NA	NA	NA	\$7,000	
15 USC 1825(e)	EXHIBITION OF DISQUALIFIED HORSE	NA	\$3,000	395.1 / 170.1	2.287	NA	\$6,862	NA	NA	NA	\$7,000	
21 USC 104	VIOLATION OF ANIMAL QUARANTINE REGULATIONS	NA	\$1,000	395.1 / 298.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	
21 USC 117(b)	VIOLATIONS OF ANIMAL INDUSTRY ACT	NA	\$1,000	395.1 / 298.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	
21 USC 122	VIOLATIONS OF CATTLE CONTAGIOUS DISEASE ACT	NA	\$1,000	395.1 / 298.1	1.305	NA	\$1,305	NA	NA	NA	\$1,000	

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT	SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION		MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT	
		AS OF 3/1/81	AS OF 3/1/81				INFLATION FACTOR	ADJUSTMENT	AFTER INFLATION	AFTER RAW INFLATION	ADJUSTMENT	AFTER INFLATION
21 USC 127	TRANSPORTATION OF QUARANTINED ANIMALS	NA	\$1,000	NA	\$1,000	3/1/81	389.1 / 298.1	1.305	NA	\$1,305	NA	\$1,000
21 USC 1344(a)(2)	TRANSPORTATION OF QUARANTINED PRODUCTS	NA	\$1,000	NA	\$1,000	3/1/81	389.1 / 298.1	1.305	NA	\$1,305	NA	\$1,000
21 USC 1354(b)	MOVEMENT OF QUARANTINED ANIMALS	NA	\$1,000	NA	\$1,000	3/1/81	389.1 / 298.1	1.305	NA	\$1,305	NA	\$1,000
U.S. DEPT. OF AGRICULTURE FEDERAL GRAIN INSPECTION SERVICE												
7 USC 86(e)	TO DEFER VIOLATIONS OF SEC.19 OF USGSA.	NA	\$75,000	NA	\$75,000	3/1/81	389.1 / 170.1	2.287	NA	\$171,561	NA	\$170,000
U.S. DEPT. OF AGRICULTURE FOOD AND NUTRITION SERVICE												
7 USC 2011-2081	TRANSFER OF OWNERSHIP TO AVOID A SANCTION	NA	\$10,000	NA	\$10,000	3/1/81	389.1 / 340.1	1.144	NA	\$11,441	NA	\$10,000
7 USC 2021(a)	HARDSHIP FINE IN LIEU OF DISQUALIFICATION	NA	\$10,000	NA	\$10,000	3/1/81	389.1 / 290.6	1.339	NA	\$13,380	NA	\$10,000
7 USC 2021(b)(3)(B)	TRAFFICKING IN FOOD COUPONS	NA	\$20,000	NA	\$20,000	3/1/81	389.1 / 353.5	1.101	NA	\$22,014	NA	\$20,000
U.S. DEPT. OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE												
21 USC 467(d)	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	NA	\$100	3/1/81	389.1 / 290.6	13.057	NA	\$1,308	NA	\$1,000
21 USC 877	FEDERAL TRADE COMMISSION ACT/FAILURE TO FILE CERTAIN REPORTS	NA	\$100	NA	\$100	3/1/81	389.1 / 290.6	13.057	NA	\$1,308	NA	\$1,000
U.S. DEPT. OF AGRICULTURE FOREST SERVICE												
16 USC 620d(e)	VIOLATIONS OF EXPORT OF UNPROCESSED TIMBER	NA	\$500,000	NA	\$500,000	3/1/81	389.1 / 389.1	1.000	NA	\$500,000	NA	\$500,000
16 USC 620d(e)	OTHER VIOLATIONS	NA	\$75,000	NA	\$75,000	3/1/81	389.1 / 389.1	1.000	NA	\$75,000	NA	\$75,000
16 USC 620d(e)	OTHER VIOLATIONS	NA	\$50,000	NA	\$50,000	3/1/81	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
16 USC 620d(e)	OTHER VIOLATIONS	NA	\$500,000	NA	\$500,000	3/1/81	389.1 / 389.1	1.000	NA	\$500,000	NA	\$500,000
16 USC 4307	VIOLATIONS INVOLVING PROTECTION OF CAVES	NA	\$10,000	NA	\$10,000	3/1/81	389.1 / 353.5	1.101	NA	\$11,007	NA	\$10,000
U.S. DEPT. OF AGRICULTURE PACKERS AND STOCKYARDS ADMINISTRATION												
7 USC 182(b)	PACKER VARIOUS VIOLATIONS	NA	\$10,000	NA	\$10,000	3/1/81	389.1 / 170.1	2.287	NA	\$22,875	NA	\$25,000
7 USC 203	LIVESTOCK MARKET AGENCY, DEALER, FAILURE TO REGISTER	NA	\$500	NA	\$500	3/1/81	389.1 / 52.8	7.389	NA	\$3,685	NA	\$4,000
7 USC 207(g)	STOCKYARD RATE, REGULATION OR PRACTICE VIOLATIONS	NA	\$500	NA	\$500	3/1/81	389.1 / 52.8	7.389	NA	\$3,685	NA	\$4,000
7 USC 213(b)	STOCKYARD OWNER, LIVESTOCK MARKET AGENCY, DEALER VARIOUS VIOLATIONS	NA	\$25	NA	\$25	3/1/81	389.1 / 52.8	7.389	NA	\$184	NA	\$200
7 USC 215(a)	STOCKYARD OWNER, LIVESTOCK MARKET AGENCY, DEALER COMPLIANCE ORDER VIOLATION	NA	\$10,000	NA	\$10,000	3/1/81	389.1 / 170.1	2.287	NA	\$22,875	NA	\$25,000
7 USC 222	FAILURE TO FILE REQUIRED REPORTS	NA	\$500	NA	\$500	3/1/81	389.1 / 52.8	7.389	NA	\$3,685	NA	\$4,000
7 USC 228b-2(b)	LIVE POULTRY DEALER VARIOUS VIOLATIONS	NA	\$100	NA	\$100	3/1/81	389.1 / 290.6	13.057	NA	\$1,306	NA	\$1,000
		NA	\$20,000	NA	\$20,000	3/1/81	389.1 / 340.1	1.144	NA	\$22,882	NA	\$25,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
U.S. DEPT. OF AGRICULTURE ALL BUREAUS									
40 USC 328	WORK HOURS AND SAFETY VIOLATIONS	NA	\$10	$389.1 / 90.5$	4.299	NA	\$43	NA	\$40
ALASKA NATURAL GAS TRANSPORTATION SYSTEM									
16 USC 719(a)(2)	COMPLIANCE ORDER VIOLATION	NA	\$25,000	$389.1 / 170.1$	2.287	NA	\$57,187	NA	\$55,000
U.S. DEPT. OF COMMERCE BUREAU OF EXPORT ADMINISTRATION									
50 USC APP. 2410(c)	NON-NATL SECURITY VIOLATION/EXPORT ADMINISTRATION ACT	NA	\$10,000	$389.1 / 181.2$	2.140	NA	\$21,403	NA	\$20,000
50 USC APP. 2410(c)	NATL SECURITY VIOLATION/EXPORT ADMIN. ACT & SECT 38 ARMS EXPORT CNTL ACT	NA	\$100,000	$389.1 / 271.3$	1.434	NA	\$143,421	NA	\$140,000
U.S. DEPT. OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION									
19 USC 2349	TRADE ACT OF 1974/FALSE STATEMENTS OR SUBMISSIONS W/APPLICATIONS FOR ASSISTANT PUBLIC WORKS & ECON. DEV. ACT OF 1965/FALSE STATEMENT OR SUBMISSION W/APPLICATI	NA	\$5,000	$389.1 / 180.5$	2.423	NA	\$12,114	NA	\$10,000
42 USC 3220(a)	PUBLIC WORKS & ECON. DEV. ACT OF 1965/FALSE STATEMENT OR SUBMISSION W/APPLICATI	NA	\$10,000	$389.1 / 94.7$	4.109	NA	\$41,086	NA	\$40,000
42 USC 3220(b)	PUBLIC WORKS & ECON. DEV. ACT OF 1965/FRAUD OR RELEASE OF UNAUTHORIZED INFO	NA	\$10,000	$389.1 / 94.7$	4.109	NA	\$41,086	NA	\$40,000
U.S. DEPT. OF COMMERCE ECONOMICS AND STATISTICS ADMINISTRATION									
13 USC 304	DELINQUENCY ON DELAYED FILING OF EXPORT DOCUMENTATION	NA	\$100	$389.1 / 90.5$	4.299	NA	\$430	NA	\$400
13 USC 305	COLLECTION OF FOREIGN TRADE STATISTICS/VIOLATIONS	NA	\$1,000	$389.1 / 90.5$	4.299	NA	\$4,299	NA	\$4,000
22 USC 3105(a)	INTL INVESTMENT & TRADE IN SERVICES ACT/FAILURE TO FURNISH INFO	\$2,500	\$25,000	$389.1 / 399.1$	1.000	\$2,500	\$25,000	\$3,000	\$25,000
U.S. DEPT. OF COMMERCE IMPORT ADMINISTRATION									
19 USC 816	FOREIGN TRADE ZONE VIOLATION	NA	\$1,000	$389.1 / 40.0$	9.728	NA	\$9,728	NA	\$10,000
19 USC 1677(g)(4)	U.S.-CANADA FTA PROTECTIVE ORDER VIOLATION	NA	\$100,000	$389.1 / 353.5$	1.101	NA	\$110,071	NA	\$110,000
U.S. DEPT. OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION									
16 USC 4243(a)(3)	LAND REMOTE-SENSING COMMERCIALIZATION ACT/VIOLATIONS	NA	\$10,000	$389.1 / 310.7$	1.252	NA	\$12,523	NA	\$15,000
16 USC 773(a)	NORTHERN PACIFIC HALIBUT ACT OF 1982/VIOLATIONS	NA	\$25,000	$389.1 / 290.5$	1.339	NA	\$33,474	NA	\$35,000
16 USC 783	SPONGE ACT VIOLATIONS/CATCHING OR TAKING WINN SPEC. AREAS	NA	\$500	$389.1 / 29.8$	13.057	NA	\$6,629	NA	\$7,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT	
						AFTER RAW INFLATION ADJUSTMENT	AFTER INFLATION ADJUSTMENT	AFTER RAW INFLATION ADJUSTMENT	AFTER INFLATION ADJUSTMENT
16 USC 957	TUNA CONVENTION ACT OF 1950								
	---VIOLATION/SUBSECTION (e)	NA	\$100,000	389.1 / 300.5	4.299	NA	\$429,946	NA	\$429,946
	---VIOLATION/SUBSECTION (a)	NA	\$25,000	389.1 / 300.5	4.299	NA	\$107,436	NA	\$110,000
	---VIOLATION/SUBSECTION (b)	NA	\$1,000	389.1 / 300.5	4.299	NA	\$4,299	NA	\$4,000
	---SUBSEQUENT VIOLATION/SUBSECTION (a)	NA	\$50,000	389.1 / 300.5	4.299	NA	\$214,972	NA	\$225,000
	---SUBSEQUENT VIOLATION/SUBSECTION (b)	NA	\$5,000	389.1 / 300.5	4.299	NA	\$21,497	NA	\$20,000
16 USC 971e(a)(1)	ATLANTIC TUNA CONVENTION ACT OF 1975								
	---SUBSEQUENT VIOLATION/SUBSECTION (a)	NA	\$50,000	389.1 / 160.5	2.423	NA	\$121,139	NA	\$120,000
	---VIOLATION/SUBSECTION (d)	NA	\$100,000	389.1 / 160.5	2.423	NA	\$242,279	NA	\$250,000
	---VIOLATION/SUBSECTION (e)	NA	\$25,000	389.1 / 160.5	2.423	NA	\$60,570	NA	\$60,000
	---SUBSEQUENT VIOLATION/SUBSECTION (b) OR (c)	NA	\$5,000	389.1 / 160.5	2.423	NA	\$12,114	NA	\$10,000
	---VIOLATION/SUBSECTION (b) OR (c)	NA	\$1,000	389.1 / 160.5	2.423	NA	\$2,423	NA	\$2,000
16 USC 972(b)	EASTERN PACIFIC TUNA LICENSING ACT								
	---VIOLATIONS/SUBSECTIONS (a)(1)-(3)	NA	\$25,000	389.1 / 310.7	1.252	NA	\$31,308	NA	\$30,000
	---VIOLATIONS/SUBSECTIONS (a)(4)-(6)	NA	\$5,000	389.1 / 310.7	1.252	NA	\$6,262	NA	\$6,000
	---SUBSEQUENT VIOLATIONS/SUBSECTIONS (a)(1)-(3)	NA	\$50,000	389.1 / 310.7	1.252	NA	\$62,617	NA	\$65,000
	---VIOLATIONS/SUBSECTIONS (a)(6)	NA	\$100,000	389.1 / 310.7	1.252	NA	\$126,233	NA	\$130,000
16 USC 973i	SOUTH PACIFIC TUNA FISHING VIOLATIONS								
16 USC 1030(a)(1)	NORTH PACIFIC FISHERIES ACT OF 1964 VIOLATIONS								
16 USC 1375(a)(1)	MARINE MAMMAL PROTECTION ACT OF 1972 VIOLATIONS								
16 USC 1437(a)(1)	MARINE PROTECTION, RESEARCH & SANCTUARIES ACT VIOLATIONS								
16 USC 1462(a)	DEEP SEABED HARD MINERAL RESOURCES ACT VIOLATIONS								
16 USC 1540(a)(1)	ENDANGERED SPECIES ACT OF 1973								
	---VIOLATIONS	NA	\$25,000	389.1 / 247.6	1.571	NA	\$39,287	NA	\$40,000
	---OTHER VIOLATIONS	NA	\$25,000	389.1 / 353.5	1.101	NA	\$27,618	NA	\$30,000
	---VIOLATIONS	NA	\$500	389.1 / 353.5	1.101	NA	\$550	NA	\$600
16 USC 1651 Note (Sec. 5)(e)(1)	ATLANTIC STRIPED BASS CONSERVATION ACT VIOLATION								
16 USC 1858	MAGNUSON FISHERY CONSERVATION & MGMT. ACT VIOLATIONS								
16 USC 2437(a)(1)	ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT								
	---KNOWING VIOLATION	NA	\$1,000	389.1 / 310.7	1.252	NA	\$1,252	NA	\$1,000
	---VIOLATION	NA	\$100,000	389.1 / 369.1	1.000	NA	\$100,000	NA	\$100,000
16 USC 3373(a)	LACEY ACT								
	---VIOLATIONS/POSSESSION, SALE, TRANSPORT OF FISH/PLANTS/WILDLIFE	NA	\$10,000	389.1 / 310.7	1.252	NA	\$12,623	NA	\$16,000
	---MARKING VIOLATIONS OF FISH/PLANTS/WILDLIFE	NA	\$250	389.1 / 271.3	1.434	NA	\$359	NA	\$400
16 USC 3608	ATLANTIC SALMON CONVENTION ACT OF 1982 VIOLATION								
16 USC 3637	PACIFIC SALMON TREATY ACT OF 1985 VIOLATIONS								
	---VIOLATIONS	NA	\$100,000	389.1 / 369.1	1.000	NA	\$100,000	NA	\$100,000
U.S. DEPT. OF COMMERCE									
U.S. TRAVEL AND TOURISM ADMINISTRATION									
22 USC 2128(a)	INTL. TRAVEL ACT OF 1981 AS AMENDED/PENALTY								
	---VIOLATIONS	NA	\$5,000	389.1 / 383.1	1.000	NA	\$5,000	NA	\$5,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
<b>COMMODITY FUTURES TRADING COMMISSION</b>									
7 USC 9	VIOLETION OF THE ACT OR RULES THEREUNDER	NA	\$100,000	389.1 / 146.9	2.649	NA	\$264,874	NA	\$275,000
7 USC 13a	SIMILAR VIOLATIONS BY CONTRACT MARKETS	NA	\$100,000	389.1 / 146.9	2.649	NA	\$264,874	NA	\$275,000
<b>CONSUMER PRODUCT SAFETY COMMISSION</b>									
15 USC 45(f)	VIOLETION OF CEASE AND DESIST ORDER	NA	\$10,000	389.1 / 132.4	2.939	NA	\$29,386	NA	\$30,000
15 USC 45(m)	VIOLETION OF CEASE AND DESIST ORDER	NA	\$10,000	389.1 / 132.4	2.939	NA	\$29,386	NA	\$30,000
15 USC 1194(f)	VIOLETION OF REGULATION OR STANDARD	NA	\$1,250,000	389.1 / 389.1	1.000	NA	\$1,250,000	NA	\$1,250,000
15 USC 1284(g)	VIOLETION OF PROHIBITED ACT	NA	\$1,250,000	389.1 / 389.1	1.000	NA	\$1,250,000	NA	\$1,250,000
15 USC 2069	VIOLETION OF PROHIBITED ACT	NA	\$1,250,000	389.1 / 389.1	1.000	NA	\$1,250,000	NA	\$1,250,000
<b>U.S. DEPT. OF DEFENSE</b>									
5 USC APP 6 104	FAILURE TO FILE/ILING FALSE REPTS (FIN DISCLOSURE)	NA	\$10,000	389.1 / 371.7	1.047	NA	\$10,468	NA	\$10,000
10 USC 1094(g)(1)	UNLAWFUL PROVISION OF HEALTH CARE	NA	\$5,000	389.1 / 322.3	1.207	NA	\$6,036	NA	\$6,000
10 USC 1102(c)	WRONGFUL DISCLOSURE—MEDICAL RECORDS	NA	\$3,000	389.1 / 327.9	1.187	NA	\$3,590	NA	\$4,000
10 USC 2324	SETTLEMENT OF UNALLOWABLE COSTS	NA	\$20,000	389.1 / 327.9	1.187	NA	\$23,733	NA	\$25,000
10 USC 2387a	FAILURE TO REPORT DEFENSE CONTRACTOR EMPLOYMENT	NA	\$10,000	389.1 / 322.3	1.207	NA	\$12,073	NA	\$10,000
10 USC 2387b(1)	FORMER PROCUREMENT OFFICIAL ACCEPTING COMPENSATION	NA	\$250,000	389.1 / 322.3	1.207	NA	\$301,815	NA	\$300,000
10 USC 2387b(2)	CONTRACTOR OFFERING COMPENSATION TO PROC. OFFICIAL	NA	\$500,000	389.1 / 322.3	1.207	NA	\$603,830	NA	\$600,000
10 USC 2387c	CONTRACTOR NOT REPORTING EMPLOYMENT OF GOV OFF	NA	\$10,000	389.1 / 327.9	1.187	NA	\$11,868	NA	\$10,000
31 USC 1362	USE OF APPROPRIATED FUNDS TO INFLUENCE CONTRACT	\$10,000	\$100,000	389.1 / 371.7	1.047	\$10,468	\$104,681	\$10,000	\$100,000
31 USC 3721(f)	PERSONAL PROPERTY LOSS CLAIMS FROM GOVT PERSONNEL	NA	\$1,000	389.1 / 94.7	4.109	NA	\$4,109	NA	\$4,000
31 USC 3802a(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000
<b>U.S. DEPT. OF DEFENSE</b>									
<b>U.S. ARMY CORPS OF ENGINEERS</b>									
33 USC 1319(g)(2)(A)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS I	NA	\$10,000	389.1 / 340.1	1.144	NA	\$11,441	NA	\$10,000
33 USC 1319(g)(2)(A)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS I	NA	\$25,000	389.1 / 340.1	1.144	NA	\$28,602	NA	\$30,000
33 USC 1319(g)(2)(B)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS III	NA	\$10,000	389.1 / 340.1	1.144	NA	\$11,441	NA	\$10,000
33 USC 1319(g)(2)(B)	SEC. 404 PERMIT CONDITION VIOLATION, CLASS II	NA	\$125,000	389.1 / 340.1	1.144	NA	\$143,008	NA	\$140,000
<b>U.S. DEPT. OF EDUCATION</b>									
20 USC 1094(g)(2)(B)(i)	INSTITUTION VIOLATING TITLE IV OF HIGHER EDUCATION ACT/ OR MISREPRESENTATION OF	NA	\$25,000	389.1 / 247.5	1.571	NA	\$39,287	NA	\$40,000
20 USC 1092(g)	LENDERS & GUARANTEE AGENCIES/UNCORRECTED VIOLATIONS, FAILURES, MISREPRESENT	NA	\$25,000	389.1 / 327.9	1.187	NA	\$29,666	NA	\$30,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	U.S. DEPT. OF ENERGY FEDERAL ENERGY REGULATORY COMMISSION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT	
							AFTER INFLATION ADJUSTMENT	BEFORE INFLATION ADJUSTMENT	AFTER INFLATION ADJUSTMENT	BEFORE INFLATION ADJUSTMENT
15 USC 3141(d)(6)(A)(i)(1989)	NATURAL GAS POLICY ACT/VIOLATIONS		NA	\$5,000	399.1 / 185.3	1.992	NA	NA	\$9,982	\$10,000
16 USC 825n(e)(1)(1988)	FEDERAL POWER ACT/VIOLATIONS INVOLVING WILLFUL FAILURE WITHIN PRESCRIBED TIME		NA	\$1,000	399.1 / 41.1	9.467	NA	NA	\$9,467	\$9,000
17 USC 823b(c)(1)(1988)	FEDERAL POWER ACT/VIOLATION BY LICENSEE, PERMITTEE, EXEMPTEE		NA	\$10,000	399.1 / 227.9	1.187	NA	NA	\$11,866	\$10,000
49 USC 8101(1989)	INTERSTATE COMMERCE ACT/VIOLATIONS INVOLVING OIL PIPELINES		NA	\$500	399.1 / 25.3	13.280	NA	NA	\$6,640	\$7,000
			NA	\$25	399.1 / 25.3	13.280	NA	NA	\$332	\$300
<b>ENVIRONMENTAL PROTECTION AGENCY</b>										
7 USC 136	FEDERAL INSECTICIDE, FUNGICIDE, & RODENTICIDE ACT CIVIL PENALTY		NA	\$5,000	399.1 / 185.3	1.992	NA	NA	\$9,982	\$10,000
15 USC 2401	ASBESTOS HAZARD EMERGENCY RESPONSE ACT CIVIL PENALTY		NA	\$5,000	399.1 / 327.9	1.187	NA	NA	\$5,933	\$5,000
31 USC 2801	TOXIC SUBSTANCES CONTROL ACT CIVIL PENALTY		NA	\$25,000	399.1 / 170.1	2.287	NA	NA	\$57,187	\$55,000
31 USC 3602(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM		NA	\$5,000	399.1 / 327.9	1.187	NA	NA	\$5,933	\$5,000
31 USC 3602(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT		NA	\$5,000	399.1 / 327.9	1.187	NA	NA	\$5,933	\$5,000
33 USC 1319(d)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1319(g)(2)(A)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1319(g)(2)(B)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY		NA	\$125,000	399.1 / 340.1	1.144	NA	NA	\$143,009	\$140,000
33 USC 1321(d)(6)(B)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1321(d)(6)(C)	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1321(d)(7)(A)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1321(d)(7)(B)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1321(d)(7)(C)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
33 USC 1321(d)(7)(D)	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)		NA	\$25,000	399.1 / 340.1	1.144	NA	NA	\$28,602	\$30,000
42 USC 300g-3(c)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(g)		\$3,000	\$100,000	399.1 / 309.1	1.000	\$3,000	\$100,000	\$3,000	\$100,000
42 USC 300g-3(d)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(g)		NA	\$25,000	399.1 / 327.9	1.187	NA	NA	\$29,666	\$30,000
42 USC 300g-3(e)	SAFE DRINKING WATER ACT/CIVIL JUDICIAL PENALTY OF SEC 1414(g)		NA	\$25,000	399.1 / 327.9	1.187	NA	NA	\$29,666	\$30,000
42 USC 300h-2(b)	CIVIL JUDICIAL PENALTY/VIOLATIONS OF REQS — UNDERGROUND INJECTION CONTROL		NA	\$25,000	399.1 / 327.9	1.187	NA	NA	\$29,666	\$30,000
42 USC 300h-2(c)(1)	CIVIL ADMIN PENALTY/VIOLATIONS OF REQS — UNDERGROUND INJECTION CONTROL		NA	\$125,000	399.1 / 327.9	1.187	NA	NA	\$148,330	\$150,000
42 USC 300h-2(c)(2)	CIVIL ADMIN PENALTY/VIOLATIONS OF REQS — UNDERGROUND INJECTION CONTROL		NA	\$125,000	399.1 / 327.9	1.187	NA	NA	\$148,330	\$150,000
42 USC 300h-3(c)	WILLFUL VIOLATION/OPERATION OF NEW UNDERGROUND INJECTION WELL		NA	\$10,000	399.1 / 145.9	2.649	NA	NA	\$26,487	\$25,000
42 USC 300h-3(d)	VIOLATION/OPERATION OF NEW UNDERGROUND INJECTION WELL		NA	\$5,000	399.1 / 145.9	2.649	NA	NA	\$13,244	\$15,000
42 USC 300h-3(e)	TAMPERING WITH PUBLIC WATER SYSTEM/CIVIL JUDICIAL PENALTY		NA	\$5,000	399.1 / 327.9	1.187	NA	NA	\$5,933	\$5,000
42 USC 300i-1(e)	KNOWING FAILURE TO COMPLY WITH ORDER ISSUED UNDER SEC. 1441(g)(1)		NA	\$5,000	399.1 / 145.9	2.649	NA	NA	\$13,244	\$15,000
42 USC 300j(e)(2)	FAILURE TO COMPLY WITH ORDER ISSUED UNDER SEC. 1441(g)(1)		NA	\$2,500	399.1 / 327.9	2.649	NA	NA	\$6,622	\$7,000
42 USC 300j-4(e)	REFUSAL TO COMPLY WITH REQS. OF SEC. 1445(a) OR (b)		NA	\$50,000	399.1 / 353.5	1.101	NA	NA	\$55,035	\$55,000
42 USC 300j-4(f)	VIOLATIONS/SECTION 1468(b)		NA	\$600	399.1 / 353.5	1.101	NA	NA	\$660	\$700
42 USC 1414a(f)	MARINE PROTECTION, RESEARCH & SANCTUARIES ACT VIOLATIONS		NA	\$5,000	399.1 / 353.5	1.101	NA	NA	\$5,503	\$5,000
42 USC 1415(a)	MARINE PROTECTION, RESEARCH & SANCTUARIES ACT VIOLATIONS		NA	\$5,000	399.1 / 353.5	1.101	NA	NA	\$5,503	\$5,000
42 USC 1431(c)	FAILURE TO COMPLY WITH SEC. 1431(a) ORDER		NA	\$5,000	399.1 / 353.5	1.101	NA	NA	\$5,503	\$5,000
42 USC 6928(a)(3)	RESOURCE CONSERVATION & RECOVERY ACT/VIOLATION SUBTITLE C ASSESSED PER ORDER		NA	\$25,000	399.1 / 310.7	1.252	NA	NA	\$31,308	\$30,000
42 USC 6928(c)	RES. CONS. & REC. ACT/CONTINUED NONCOMPLIANCE OF COMPLIANCE ORDER		NA	\$25,000	399.1 / 310.7	1.252	NA	NA	\$31,308	\$30,000
42 USC 6928(d)	RESOURCE CONSERVATION & RECOVERY ACT/VIOLATION SUBTITLE C		NA	\$25,000	399.1 / 170.1	2.287	NA	NA	\$57,187	\$55,000
42 USC 6928(f)(2)	RES. CONS. & REC. ACT/INNONCOMPLIANCE OF CORRECTIVE ACTION ORDER		NA	\$25,000	399.1 / 310.7	1.252	NA	NA	\$31,308	\$30,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER PL 101-410 ROUNDING		MAXIMUM PENALTY AMOUNT AFTER PL 101-410 ROUNDING	
					INFLATION FACTOR	MINIMUM PENALTY AMOUNT	MAXIMUM PENALTY AMOUNT	MINIMUM PENALTY AMOUNT	MAXIMUM PENALTY AMOUNT	MINIMUM PENALTY AMOUNT	MAXIMUM PENALTY AMOUNT	
42 USC 6834(f)	RES. CONS. & REC. ACT/NONCOMPLIANCE WITH SECTION 3013 ORDER	NA	\$5,000	389.1 / 370.1	2.287	NA	\$11,437	NA	\$11,437	NA	\$10,000	\$10,000
42 USC 6973(b)	RES. CONS. & REC. ACT/VIOLATIONS OF ADMINISTRATIVE ORDER	NA	\$5,000	389.1 / 370.1	2.287	NA	\$11,437	NA	\$11,437	NA	\$10,000	\$10,000
42 USC 6991(a)(3)	RES. CONS. & REC. ACT/NONCOMPLIANCE WITH UST ADMIN. ORDER	NA	\$25,000	389.1 / 310.7	1.252	NA	\$31,308	NA	\$31,308	NA	\$30,000	\$30,000
42 USC 6991(a)(1)	RES. CONS. & REC. ACT/FAILURE TO NOTIFY OR SUBMIT FALSE INFO	NA	\$10,000	389.1 / 310.7	1.252	NA	\$12,623	NA	\$12,623	NA	\$15,000	\$15,000
42 USC 6991(a)(2)	VIOLATIONS OF SPECIFIED UST REGULATORY REQUIREMENTS	NA	\$10,000	389.1 / 310.7	1.252	NA	\$12,623	NA	\$12,623	NA	\$16,000	\$16,000
42 USC 6992(a)(2)	NONCOMPLIANCE W/MEDICAL WASTE TRACKING ACT ASSESSED THRU ADMIN ORDER	NA	\$25,000	389.1 / 353.5	1.101	NA	\$27,518	NA	\$27,518	NA	\$30,000	\$30,000
42 USC 6992(a)(4)	NONCOMPLIANCE W/MEDICAL WASTE TRACKING ACT ADMIN ORDER	NA	\$25,000	389.1 / 353.5	1.101	NA	\$27,518	NA	\$27,518	NA	\$30,000	\$30,000
42 USC 6992(d)	VIOLATIONS/MEDICAL WASTE TRACKING ACT ASSESSED BY COURT	NA	\$25,000	389.1 / 353.5	1.101	NA	\$27,518	NA	\$27,518	NA	\$30,000	\$30,000
42 USC 7413(b) AMEND BY PL 1	CLEAN AIR ACT/VIOLATION/OWNERS & OPS OF STATIONARY AIR POLLUTION SOURCES	NA	\$25,000	389.1 / 321.4	2.140	NA	\$53,507	NA	\$53,507	NA	\$55,000	\$55,000
42 USC 7524	TAMPERING OR MANUFACTURE/SALE OF DEFEAT DEVICES	NA	\$25,000	389.1 / 349.1	1.000	NA	\$25,000	NA	\$25,000	NA	\$25,000	\$25,000
42 USC 7545(d)	VIOLATIONS OF FUELS REGULATIONS	NA	\$25,000	389.1 / 349.1	1.000	NA	\$25,000	NA	\$25,000	NA	\$25,000	\$25,000
42 USC 9604(a)(5)(B)	SUPERFUND AMEND. & REAUTHORIZATION ACT/NONCOMPLIANCE W/INFO REQUEST	NA	\$25,000	389.1 / 349.1	1.000	NA	\$25,000	NA	\$25,000	NA	\$25,000	\$25,000
42 USC 9606(b)	SUPERFUND/WORK NOT PERFORMED W/ IMMINENT, SUBSTANTIAL ENDANGERMENT	NA	\$25,000	389.1 / 349.1	1.000	NA	\$25,000	NA	\$25,000	NA	\$25,000	\$25,000
42 USC 9609(a)(3)&(c)	SUPERFUND/ADMIN. PENALTY VIOLATIONS—SUBSEQUENT	NA	\$75,000	389.1 / 349.1	1.000	NA	\$75,000	NA	\$75,000	NA	\$75,000	\$75,000
42 USC 9609(a)(3)&(c)	SUPERFUND/ADMIN. PENALTY VIOLATIONS UNDER 42 USC SECT. 9603, 9608, OR 9622	NA	\$25,000	389.1 / 349.1	1.000	NA	\$25,000	NA	\$25,000	NA	\$25,000	\$25,000
42 USC 9609(a)(3)&(c)	SUPERFUND/CIVIL JUDICIAL PENALTY/VIOLATIONS OF SECT. 9603, 9608, 9622	NA	\$75,000	389.1 / 349.1	1.000	NA	\$75,000	NA	\$75,000	NA	\$75,000	\$75,000
42 USC 11001	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT CIVIL PENALTY	NA	\$75,000	389.1 / 327.9	1.187	NA	\$88,998	NA	\$88,998	NA	\$90,000	\$90,000
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION												
42 USC 2000e-10(b)	FAILURE TO POST NOTICE/APPLICABILITY OF TITLE VII	NA	\$100	389.1 / 322.9	4.188	NA	\$419	NA	\$419	NA	\$400	\$400
FARM CREDIT ADMINISTRATION												
12 USC 2289(e)	VIOLATION/FAIR CREDIT ACT OR ANY REGULATION UNDER THE ACT	NA	\$500	389.1 / 353.5	1.101	NA	\$550	NA	\$550	NA	\$600	\$600
FEDERAL COMMUNICATIONS COMMISSION												
47 USC 202(C)	VIOLATION/COMMON CARRIER DISCRIMINATION OR PREFERENCE W/LIKE COMM. SVC.	NA	\$6,000	389.1 / 371.7	1.047	NA	\$6,281	NA	\$6,281	NA	\$6,000	\$6,000
47 USC 203(e)	COMMON CARRIER TARIFFS	NA	\$300	389.1 / 371.7	1.047	NA	\$314	NA	\$314	NA	\$300	\$300
47 USC 205(b)	ANY CHARGE OR PROVISION IN VIOLATION OF COMMON CARRIER PRESCRIPTION	NA	\$12,000	389.1 / 371.7	1.047	NA	\$12,562	NA	\$12,562	NA	\$15,000	\$15,000
47 USC 214(c)	COMMON CARRIER FAILURE TO PROVIDE ADEQUATE FACILITY, EXTEND LINE, OR EST. PUBLI	NA	\$1,200	389.1 / 371.7	1.047	NA	\$1,256	NA	\$1,256	NA	\$1,000	\$1,000
47 USC 219(b)	COMMON CARRIER REPORTS	NA	\$1,200	389.1 / 371.7	1.047	NA	\$1,256	NA	\$1,256	NA	\$1,000	\$1,000
47 USC 220(d)	COMMON CARRIER FAILURE/REFUSAL TO KEEP/SUBMIT ACCTS, RECORDS, MEMORANDA	NA	\$6,000	389.1 / 371.7	1.047	NA	\$6,281	NA	\$6,281	NA	\$6,000	\$6,000
47 USC 223	OBSCENE/INDECENT TELEPHONE COMMUNICATIONS	NA	\$50,000	389.1 / 371.7	1.047	NA	\$52,341	NA	\$52,341	NA	\$50,000	\$50,000
47 USC 362, 368	SHIP RADIO/FINE FOR OWNER	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	\$5,234	NA	\$5,000	\$5,000
47 USC 362, 368	SHIP RADIO/FINE FOR MASTER	NA	\$1,000	389.1 / 371.7	1.047	NA	\$1,047	NA	\$1,047	NA	\$1,000	\$1,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
					BEFORE ADJUSTMENT	AFTER ADJUSTMENT	BEFORE ADJUSTMENT	AFTER ADJUSTMENT		
47 USC 503	VIOLATIONS COMMUNICATIONS ACT, RULES, ORDERS OR AUTHORIZATIONS — COMMON CARRIERS & APPLICANTS	NA	\$100,000	389.1 / 371.7	NA	\$104,861	NA	\$104,861	NA	\$100,000
	— BROADCASTERS & CABLE OPERATORS & APPLICANTS	NA	\$1,000,000	389.1 / 371.7	NA	\$1,048,812	NA	\$1,048,812	NA	\$1,050,000
	— ALL OTHERS	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$26,170	NA	\$25,000
47 USC 507	GREAT LAKES AGREEMENT/FINE FOR OWNER	NA	\$250,000	389.1 / 371.7	NA	\$261,703	NA	\$261,703	NA	\$250,000
47 USC 507	GREAT LAKES AGREEMENT/FINE FOR MASTER	NA	\$10,000	389.1 / 371.7	NA	\$10,468	NA	\$10,468	NA	\$10,000
47 USC 554	CABLE EEO	NA	\$75,000	389.1 / 371.7	NA	\$78,511	NA	\$78,511	NA	\$75,000
	FEDERAL DEPOSIT INSURANCE CORPORATION	NA	\$500	389.1 / 371.7	NA	\$2,411	NA	\$2,411	NA	\$2,000
		NA	\$100	389.1 / 371.7	NA	\$482	NA	\$482	NA	\$500
		NA	\$200	389.1 / 371.7	NA	\$250	NA	\$250	NA	\$300
12 USC 1817(a)	FILING LATE OR MISLEADING BANK CALL REPORTS — INADVERTENT LATE OR MISLEADING REPORTS — LATE OR MISLEADING REPORTS — KNOWING/RECKLESS LATE OR MISLEADING REPORTS	NA	\$2,000	389.1 / 371.7	NA	\$2,084	NA	\$2,084	NA	\$2,000
		NA	\$20,000	389.1 / 371.7	NA	\$20,836	NA	\$20,836	NA	\$20,000
		NA	\$1,000,000	389.1 / 371.7	NA	\$1,048,812	NA	\$1,048,812	NA	\$1,050,000
12 USC 18170(i)(6)	VIOLATIONS CHANGE IN BANK CONTROL ACT (CBCA) — VIOLATIONS OF CBCA — VIOLATIONS OF CBCA W/ MORE THAN MIN. LOSS — VIOLATIONS OF CBCA W/ SUBSTANTIAL LOSS	NA	\$5,000	389.1 / 371.7	NA	\$5,294	NA	\$5,294	NA	\$5,000
		NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$26,170	NA	\$25,000
		NA	\$1,000,000	389.1 / 371.7	NA	\$1,048,812	NA	\$1,048,812	NA	\$1,050,000
12 USC 1818(i)(2)	VIOLATIONS ANY LAW, FINAL ORDER, OR APPLICATION — VIOLATION — VIOLATION RESULTING IN MORE THAN MIN. LOSS — VIOLATION RESULTING IN SUBSTANTIAL LOSS	NA	\$5,000	389.1 / 371.7	NA	\$5,294	NA	\$5,294	NA	\$5,000
		NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$26,170	NA	\$25,000
		NA	\$1,000,000	389.1 / 371.7	NA	\$1,048,812	NA	\$1,048,812	NA	\$1,050,000
12 USC 1828(a)	INCORRECT DISPLAY OF INSURANCE LOGO	NA	\$100	389.1 / 371.7	NA	\$545	NA	\$545	NA	\$500
12 USC 1828(b)	REFUSAL TO FILE CERT. STATEMENT OR PAY ASSESSMENT	NA	\$100	389.1 / 371.7	NA	\$545	NA	\$545	NA	\$500
12 USC 1828(j)(4)	VIOLATIONS OF FEDERAL RESERVE ACT (FRA) — VIOLATIONS OF FRA — VIOLATIONS OF FRA W/ MORE THAN MIN. LOSS — VIOLATIONS OF FRA W/ SUBSTANTIAL LOSS	NA	\$5,000	389.1 / 371.7	NA	\$5,294	NA	\$5,294	NA	\$5,000
		NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$26,170	NA	\$25,000
		NA	\$1,000,000	389.1 / 371.7	NA	\$1,048,812	NA	\$1,048,812	NA	\$1,050,000
12 USC 1829a-0	VIOLATION OF 1829a - RETENTION OF RECORDS	NA	\$10,000	389.1 / 371.7	NA	\$11,007	NA	\$11,007	NA	\$10,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT	
		AS OF 3/1/91	SET BY LAW AS OF 3/1/91	AS OF 3/1/91	SET BY LAW AS OF 3/1/91		PL 101-410 ROUNDING	PL 101-410 ROUNDING		
12 USC 1972(2)(F)	VOLATIONS/BANK COMPANY ACT ("1970 ACT")									
	— VIOLATIONS OF 1970 ACT	NA	\$5,000	369.1/371.7	NA	1.047	NA	\$5,234	NA	\$5,000
	— VIOLATIONS OF 1970 ACT W/MORE THAN MIN. LOSS	NA	\$25,000	369.1/371.7	NA	1.047	NA	\$26,170	NA	\$25,000
	— VIOLATIONS OF 1970 ACT W/SUBSTANTIAL LOSS	NA	\$1,000,000	369.1/371.7	NA	1.047	NA	\$1,046,812	NA	\$1,050,000
12 USC 3108(b)	VIOLATIONS/INTL. BANKING ACT OF 1978 (IBA)									
	— VIOLATIONS OF IBA	NA	\$5,000	369.1/371.7	NA	1.047	NA	\$5,234	NA	\$5,000
	— VIOLATIONS OF IBA W/MORE THAN MIN. LOSS	NA	\$25,000	369.1/371.7	NA	1.047	NA	\$26,170	NA	\$25,000
	— VIOLATIONS OF IBA W/SUBSTANTIAL LOSS	NA	\$1,000,000	369.1/371.7	NA	1.047	NA	\$1,046,812	NA	\$1,050,000
12 USC 3909	VIOLATIONS/INTL. LENDING SUPERVISION ACT (ILSA)									
	— VIOLATIONS OF ILSA	NA	\$5,000	369.1/371.7	NA	1.047	NA	\$5,234	NA	\$5,000
	— VIOLATIONS OF ILSA W/MORE THAN MIN. LOSS	NA	\$25,000	369.1/371.7	NA	1.047	NA	\$26,170	NA	\$25,000
	— VIOLATIONS OF ILSA W/SUBSTANTIAL LOSS	NA	\$1,000,000	369.1/371.7	NA	1.047	NA	\$1,046,812	NA	\$1,050,000
12 USC 3949	VIOLATIONS OF FRB'S APPRAISER REGULATIONS									
	— VIOLATIONS OF REGS.	NA	\$5,000	369.1/371.7	NA	1.047	NA	\$5,234	NA	\$5,000
	— VIOLATIONS OF REGS. W/MORE THAN MIN. LOSS	NA	\$25,000	369.1/371.7	NA	1.047	NA	\$26,170	NA	\$25,000
	— VIOLATIONS OF REGS. W/SUBSTANTIAL LOSS	NA	\$1,000,000	369.1/371.7	NA	1.047	NA	\$1,046,812	NA	\$1,050,000
15 USC 78u-2	WILLFUL VIOLATIONS OF FEDERAL SECURITIES LAWS									
	— VIOLATIONS/NATURAL PERSON	NA	\$5,000	369.1/369.1	NA	1.000	NA	\$5,000	NA	\$5,000
	— VIOLATIONS/ALL OTHERS	NA	\$50,000	369.1/369.1	NA	1.000	NA	\$50,000	NA	\$50,000
	— RECKLESS VIOLATIONS/NATURAL PERSONS	NA	\$50,000	369.1/369.1	NA	1.000	NA	\$50,000	NA	\$50,000
	— RECKLESS VIOLATIONS/ALL OTHERS	NA	\$250,000	369.1/369.1	NA	1.000	NA	\$250,000	NA	\$250,000
	— DELIBERATE VIOLATIONS/NATURAL PERSONS	NA	\$100,000	369.1/369.1	NA	1.000	NA	\$100,000	NA	\$100,000
	— DELIBERATE VIOLATIONS/ALL OTHERS	NA	\$500,000	369.1/369.1	NA	1.000	NA	\$500,000	NA	\$500,000
FEDERAL EMERGENCY MANAGEMENT AGENCY										
42 USC 5157(s)(17)	VIOLATIONS/STAFFORD ACT PL 100-707	NA	\$6,000	369.1/363.6	NA	1.101	NA	\$6,604	NA	\$6,000
FEDERAL MARITIME COMMISSION										
46 USC APP. S. 814	FILING OF AGREEMENTS, ETC. UNDER SHIPPING ACT, 1916	NA	\$1,000	369.1/125.0	NA	3.113	NA	\$3,113	NA	\$3,000
46 USC APP. S. 815	UNDUE PREFERENCE/INFLUENCE INSURANCE COS. TO DISCRIMINATE/SHIPPING ACT, 1916	NA	\$5,000	369.1/125.0	NA	3.113	NA	\$15,664	NA	\$15,000
46 USC APP. S. 815	UNFAIR MEANS TO OBTAIN LOWER RATES/SHIPPING ACT, 1916	NA	\$25,000	369.1/216.6	NA	1.796	NA	\$44,910	NA	\$45,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2--CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
		SET BY LAW AS OF 3/1/91	SET BY LAW AS OF 3/1/91	SET BY LAW AS OF 3/1/91	SET BY LAW AS OF 3/1/91		INFLATION FACTOR CALCULATION	INFLATION FACTOR	INFLATION ADJUSTMENT	INFLATION ADJUSTMENT		
46 USC APP. S. 817d & s	FAILURE TO ESTABLISH FIN. RESPS. FOR DEATH/INJURY OR NONPERFORMANCE	NA	\$5,000	NA	\$5,000	389.1 / 371.7	4.007	NA	\$20,038	NA	NA	\$20,000
48 USC APP. S. 820	FAILURE TO FILE REQ. DOCUMENTATION/SHIPPING ACT, 1916	NA	\$200	NA	\$200	389.1 / 371.7	4.007	NA	\$801	NA	NA	\$800
48 USC APP. S. 820	FAILURE TO FILE ANTI-REBATE CERTIFICATION/SHIPPING ACT, 1918	NA	\$100	NA	\$100	389.1 / 324.8	12.009	NA	\$1,201	NA	NA	\$1,000
46 USC APP. S. 831	VIOLATION/RULES, REGS., ORDERS/SHIPPING ACT, 1916	NA	\$5,000	NA	\$5,000	389.1 / 218.8	1.796	NA	\$9,892	NA	NA	\$9,000
46 USC APP. S. 831	VIOLATION/SECT. 14--21 OF SHIPPING ACT, 1916	NA	\$1,000	NA	\$1,000	389.1 / 125.0	3.113	NA	\$3,113	NA	NA	\$3,000
46 USC APP. S. 844	VIOLATION/INTERCOASTAL SHIPPING ACT OF 1933	NA	\$5,000	NA	\$5,000	389.1 / 125.0	3.113	NA	\$15,664	NA	NA	\$15,000
46 USC APP. S. 876	FAILURE TO PROVIDE REQ. REPTS/RESPOND TO SUBPOENA/MERCHANT MARINE ACT, 1920	NA	\$5,000	NA	\$5,000	389.1 / 389.1	1.000	NA	\$5,000	NA	NA	\$5,000
46 USC APP. S. 876	ADVERSE SHIPPING CONDITIONS DETERMINATION/MERCHANT MARINE ACT, 1920	NA	\$1,000,000	NA	\$1,000,000	389.1 / 389.1	1.000	NA	\$1,000,000	NA	NA	\$1,000,000
46 USC APP. S. 876	OPERATING WHERE TARIFF SUSPENDED/MERCHANT MARINE ACT, 1920	NA	\$50,000	NA	\$50,000	389.1 / 353.5	1.101	NA	\$50,000	NA	NA	\$50,000
46 USC APP. S. 1710a	ADVERSE IMPACT ON US CARRIERS BY FOREIGN SHIPPING PRACTICES	NA	\$1,000,000	NA	\$1,000,000	389.1 / 310.7	1.262	NA	\$1,100,707	NA	NA	\$1,100,000
46 USC APP. S. 1712	OPERATING IN U.S. FOREIGN COMMERCE AFTER TARIFF SUSPENSION	NA	\$50,000	NA	\$50,000	389.1 / 310.7	1.262	NA	\$62,617	NA	NA	\$65,000
46 USC APP. S. 1712	VIOLATION/KNOWING & WILLFUL/SHIPPING ACT OF 1984	NA	\$25,000	NA	\$25,000	389.1 / 310.7	1.262	NA	\$31,508	NA	NA	\$30,000
46 USC APP. S. 1712	VIOLATION/NOT KNOWING & WILLFUL/SHIPPING ACT OF 1984	NA	\$5,000	NA	\$5,000	389.1 / 310.7	1.262	NA	\$6,282	NA	NA	\$5,000
46 USC APP. S. 1714	FAILURE TO FILE ANTI-REBATE CERT. PER SHIPPING ACT OF 1984	NA	\$5,000	NA	\$5,000	389.1 / 310.7	1.262	NA	\$6,282	NA	NA	\$6,000
FEDERAL RESERVE BOARD												
12 USC 342	FILING LATE OR MISLEADING BANK CALL REPORTS --INADVERTENT LATE OR MISLEADING REPORTS --LATE OR MISLEADING REPORTS --KNOWING, RECKLESS LATE, OR MISLEADING REPTS	NA	\$2,000	NA	\$2,000	389.1 / 371.7	1.047	NA	\$2,094	NA	NA	\$2,000
		NA	\$20,000	NA	\$20,000	389.1 / 371.7	1.047	NA	\$20,836	NA	NA	\$20,000
		NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 504 & 505	VIOLATIONS OF FEDERAL RESERVE ACT (FRA) -- VIOLATIONS OF FRA -- VIOLATIONS OF FRA W/MORE THAN MIN. LOSS -- VIOLATIONS OF FRA W/SUBSTANTIAL LOSS	NA	\$5,000	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	\$5,000
		NA	\$25,000	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	\$25,000
		NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 1817(b)(6)	VIOLATIONS/CHANGE IN BANK CONTROL ACT (CBCA) -- VIOLATIONS OF CBCA -- VIOLATIONS OF CBCA W/MORE THAN MIN. LOSS -- VIOLATIONS OF CBCA W/SUBSTANTIAL LOSS	NA	\$5,000	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	\$5,000
		NA	\$25,000	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	\$25,000
		NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 1818(b)(2)	VIOLATIONS/LAW, FINAL ORDER, OR APPLICATION -- VIOLATION -- VIOLATION RESULTING IN MORE THAN MIN. LOSS -- VIOLATION RESULTING IN SUBSTANTIAL LOSS	NA	\$5,000	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	\$5,000
		NA	\$25,000	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	\$25,000
		NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 1847(b)	VIOLATIONS/BANK HOLDING COMPANY ACT	NA	\$25,000	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	\$25,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT	
					BEFORE ADJUSTMENT	AFTER INFLATION	BEFORE ADJUSTMENT	AFTER INFLATION	BEFORE ADJUSTMENT	AFTER INFLATION	BEFORE ADJUSTMENT	AFTER INFLATION
12 USC 1847(G)	FILING LATE OR MISLEADING HOLDING COMPANY REPTS	NA	\$2,000	389.1 / 371.7	1.047	NA	\$2,094	NA	NA	NA	\$2,000	NA
	—INADVERTENT LATE OR MISLEADING REPORTS	NA	\$20,000	389.1 / 371.7	1.047	NA	\$20,905	NA	NA	NA	\$20,000	NA
	—LATE OR MISLEADING REPORTS	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	NA	\$1,050,000	NA
12 USC 1972(G)(F)	VIOLATIONS/BANK COMPANY ACT ("1970 ACT")	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	NA	\$5,000	NA
	—VIOLATIONS OF 1970 ACT	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	NA	\$25,000	NA
	—VIOLATIONS OF 1970 ACT W/MORE THAN MIN. LOSS	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	NA	\$1,050,000	NA
12 USC 3108(B)	VIOLATIONS/INTL. BANKING ACT OF 1978 (IBA)	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	NA	\$5,000	NA
	—VIOLATIONS OF IBA	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	NA	\$25,000	NA
	—VIOLATIONS OF IBA W/MORE THAN MIN. LOSS	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	NA	\$1,050,000	NA
12 USC 3349	VIOLATIONS OF FRB'S APPRAISER REGULATIONS	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	NA	\$5,000	NA
	—VIOLATIONS OF REGS.	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	NA	\$25,000	NA
	—VIOLATIONS OF REGS. W/MORE THAN MIN. LOSS	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	NA	\$1,050,000	NA
12 USC 3909	VIOLATIONS/INTL. LENDING SUPERVISION ACT (ILSA)	NA	\$5,000	389.1 / 371.7	1.047	NA	\$5,234	NA	NA	NA	\$5,000	NA
	—VIOLATIONS OF ILSA	NA	\$25,000	389.1 / 371.7	1.047	NA	\$26,170	NA	NA	NA	\$25,000	NA
	—VIOLATIONS OF ILSA W/MORE THAN MIN. LOSS	NA	\$1,000,000	389.1 / 371.7	1.047	NA	\$1,046,812	NA	NA	NA	\$1,050,000	NA
16 USC 78j-2	WILLFUL VIOLATIONS OF FEDERAL SECURITIES LAWS	NA	\$5,000	389.1 / 386.1	1.000	NA	\$5,000	NA	NA	NA	\$5,000	NA
	—VIOLATIONS/NATURAL PERSON	NA	\$50,000	389.1 / 386.1	1.000	NA	\$50,000	NA	NA	NA	\$50,000	NA
	—VIOLATIONS/ALL OTHERS	NA	\$50,000	389.1 / 386.1	1.000	NA	\$50,000	NA	NA	NA	\$50,000	NA
	—RECKLESS VIOLATIONS/NATURAL PERSONS	NA	\$250,000	389.1 / 386.1	1.000	NA	\$250,000	NA	NA	NA	\$250,000	NA
	—RECKLESS VIOLATIONS/ALL OTHERS	NA	\$100,000	389.1 / 386.1	1.000	NA	\$100,000	NA	NA	NA	\$100,000	NA
FEDERAL TRADE COMMISSION BUREAU OF COMPETITION	VIOLATIONS/HART-SCOTT-RODINO ACT/PREMERIER NOTIFICATION REQS.	NA	\$10,000	389.1 / 178.1	2.287	NA	\$22,875	NA	NA	NA	\$25,000	NA
	—VIOLATIONS OF FTC ORDERS ENTERED PURSUANT TO CLAYTON ACT	NA	\$5,000	389.1 / 178.1	4.457	NA	\$22,285	NA	NA	NA	\$30,000	NA
	—VIOLATIONS OF FTC ORDERS/ASSESSED AGAINST RESPONDENT'S NAMED IN ORDERS	NA	\$10,000	389.1 / 152.4	2.839	NA	\$29,388	NA	NA	NA	\$30,000	NA

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
16 USC 50	FAILURE TO FILE ANNUAL OR SPECIAL REPT REQ. BY COMMISSION	NA	\$100	369.1 / 327.9	1.067	NA	\$1,306	NA	\$1,000	
<b>FEDERAL TRADE COMMISSION</b>										
<b>BUREAU OF CONSUMER PROTECTION</b>										
16 USC 45(i)	VIOLATIONS OF FTC ORDERS/ASSESSED AGAINST RESPONDENTS NAMED IN ORDERS	NA	\$10,000	369.1 / 327.9	2.639	NA	\$29,388	NA	\$30,000	
16 USC 45(m)(1)(A)	VIOLATIONS OF FTC RULES	NA	\$10,000	369.1 / 327.9	2.423	NA	\$24,228	NA	\$25,000	
16 USC 45(m)(1)(B)	VIOLATIONS OF FTC ORDERS/ASSESSED AGAINST OTHER THAN THOSE NAMED AS RESPOND	NA	\$10,000	369.1 / 327.9	2.423	NA	\$24,228	NA	\$25,000	
15 USC 50	FAILURE TO FILE ANNUAL OR SPECIAL REPT REQ. BY COMMISSION	NA	\$100	369.1 / 327.9	13.057	NA	\$1,306	NA	\$1,000	
15 USC 1691(c)	VIOLATIONS/EQUAL CREDIT OPPORTUNITY ACT	NA	\$10,000	369.1 / 327.9	2.287	NA	\$22,875	NA	\$25,000	
15 USC 1692(a)	VIOLATIONS/FAIR DEBT COLL. PRACTICES ACT	NA	\$10,000	369.1 / 327.9	1.992	NA	\$19,923	NA	\$20,000	
<b>GENERAL SERVICES ADMINISTRATION</b>										
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	369.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000	
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	369.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000	
41 USC 423	PROCUREMENT INTEGRITY ACT (INDIVIDUAL)	NA	\$100,000	369.1 / 327.9	1.101	NA	\$110,071	NA	\$110,000	
41 USC 423	PROCUREMENT INTEGRITY ACT (ALL OTHER)	NA	\$1,000,000	369.1 / 327.9	1.101	NA	\$1,100,707	NA	\$1,100,000	
5 APPS (104)(6)	ETHICS REFORM ACT	NA	\$200	369.1 / 327.9	1.047	NA	\$209	NA	\$200	
<b>U.S. DEPT. OF HEALTH AND HUMAN SERVICES</b>										
<b>FEDERAL FOOD, DRUG, AND COSMETIC ACT</b>										
21 USC 333(b)	—IMPROPER DISTRIBUTION OF DRUG SAMPLE	NA	\$50,000	369.1 / 327.9	1.101	NA	\$55,035	NA	\$55,000	
	—IMPROPER DISTRIBUTION AFTER 2ND CONVICTION	NA	\$100,000	369.1 / 327.9	1.101	NA	\$110,707	NA	\$110,000	
	—FAILURE TO REPORT CONVICTION RE: DRUG SAMPLE DISTRIBUTION	NA	\$15,000	369.1 / 327.9	1.000	NA	\$15,000	NA	\$15,000	
21 USC 333(f)	FEDERAL FOOD, DRUG, AND COSMETIC ACT/VIOLATION RE: DEVICES	NA	\$1,000,000	369.1 / 327.9	1.000	NA	\$1,000,000	NA	\$1,000,000	
21 USC 360pp(b)	FEDERAL FOOD, DRUG, AND COSMETIC ACT/VIOLATION RE: ELECTRONIC PRODUCT	NA	\$1,000,000	369.1 / 327.9	3.741	NA	\$3,741	NA	\$4,000	
		NA	\$300,000	369.1 / 327.9	3.741	NA	\$1,122,404	NA	\$1,125,000	
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	369.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000	
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	369.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000	
42 USC 282(d)	PUBLIC HEALTH SERVICE ACT/VIOLATION OF BIOLOGICS RECALL	NA	\$100,000	369.1 / 327.9	1.187	NA	\$118,664	NA	\$120,000	
42 USC 283(f)	PUBLIC HEALTH SERVICE ACT/VIOLATION RE: CLINICAL LAB	NA	\$10,000	369.1 / 327.9	1.101	NA	\$11,007	NA	\$10,000	
42 USC 1320b-7a	FRAUDULENT MEDICARE/CAID CLAIMS	NA	\$2,000	369.1 / 327.9	1.434	NA	\$2,868	NA	\$3,000	
42 USC 1320a-7a(a)(3)	GIVING MISLEADING INFO RE: PPS	NA	\$15,000	369.1 / 327.9	1.144	NA	\$17,151	NA	\$15,000	
42 USC 1320a-7a(b)	HOSPITALS/IMPROPER LIMIT SERVICES	NA	\$2,000	369.1 / 327.9	1.187	NA	\$2,373	NA	\$2,000	
42 USC 1320b-10(a)(1)	MISUSE OF TERMS SOCIAL SECURITY	NA	\$5,000	369.1 / 327.9	1.101	NA	\$5,504	NA	\$5,000	
42 USC 1320b-10(a)(1)	BROADCAST MISUSE OF TERMS SSI/HCF	NA	\$100,000	369.1 / 327.9	1.101	NA	\$110,071	NA	\$110,000	
42 USC 1320b-10(a)(2)	MISUSE OF HCF/ASSA SYMBOLS	NA	\$25,000	369.1 / 327.9	1.101	NA	\$27,518	NA	\$30,000	
42 USC 1320b-10(a)(2)		NA	\$100,000	369.1 / 327.9	1.101	NA	\$110,071	NA	\$110,000	
		NA	\$5,000	369.1 / 327.9	1.101	NA	\$5,504	NA	\$5,000	
		NA	\$100,000	369.1 / 327.9	1.101	NA	\$110,071	NA	\$110,000	

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
		AS OF 3/1/91	SET BY LAW 3/1/91	AS OF 3/1/91	SET BY LAW 3/1/91		INFLATION CALCULATION	INFLATION FACTOR	INFLATION ADJUSTMENT	INFLATION ADJUSTMENT		
42 USC 1320b-10(e)(2)	BROADCAST MISUSE OF HCFA/SSA SYMBOLS	NA	NA	\$25,000	\$100,000	399.1/353.5	1.101	NA	\$27,516	NA	NA	\$30,000
42 USC 1395bbb(e)(1)	NOTIFY HOME HEALTH AGENCY OF SURVEY	NA	NA	\$2,000	\$10,000	399.1/340.1	1.101	NA	\$2,288	NA	NA	\$2,000
42 USC 1395cc(g)	HOSP UNBUNDLING OUTPATIENT SURGERY COSTS	NA	NA	\$2,000	\$10,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395dd	HOSPITAL ANTI-DUMPING	NA	NA	\$50,000	\$50,000	399.1/327.9	1.187	NA	\$57,204	NA	NA	\$55,000
42 USC 1395i-3(b)	FALSE CERT. RE: SNF RESIDENT ASSESSMENT	NA	NA	\$1,000	\$1,000	399.1/340.1	1.144	NA	\$1,144	NA	NA	\$1,000
42 USC 1395i-3(c)	CAUSE ANOTHER'S FALSE CERT. RE: ASSESSMENT	NA	NA	\$5,000	\$5,000	399.1/340.1	1.144	NA	\$5,720	NA	NA	\$5,000
42 USC 1395i-3(d)	NOTIFY SNF OF SURVEY	NA	NA	\$2,000	\$10,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395i-3(e)	SNF NONCOMPLIANCE W/CONDITIONS OF PARTICIPATION	NA	NA	\$10,000	\$10,000	399.1/340.1	1.144	NA	\$11,441	NA	NA	\$10,000
42 USC 1395i(f)	NON-ASSIGNED CLAIM PRO CLINICAL LAB TEST	NA	NA	\$2,000	\$2,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395j(6)	CLAIM FOR INTRAOCULAR LENS IN CATARACT SURGERY	NA	NA	\$2,000	\$2,000	399.1/353.5	1.101	NA	\$2,201	NA	NA	\$2,000
42 USC 1395j(8)	ASSIGNMENT REQUIRE NURSE ANESTHETIST SERV	NA	NA	\$2,000	\$2,000	399.1/327.9	1.187	NA	\$2,373	NA	NA	\$2,000
42 USC 1395j(9)	NON-ASSIGNED CLAIM FOR MIDWIFE, ETC. SERVICES	NA	NA	\$2,000	\$2,000	399.1/353.5	1.101	NA	\$2,201	NA	NA	\$2,000
42 USC 1395j(12)	FAILURE TO PROVIDE INFO ON REFERRING PHYSICIAN	NA	NA	\$2,000	\$2,000	399.1/371.7	1.047	NA	\$2,094	NA	NA	\$2,000
42 USC 1395m(a)(1)(A)	FAILURE TO SUPPLY RENTAL DME W/O CHARGE	NA	NA	\$2,000	\$2,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395m(b)(5)(C)	NON-PARTIC MID VIOL RADIOLOG CHARGE LIMIT	NA	NA	\$2,000	\$2,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395m(b)(5)(D)	FAILURE TO PROVIDE HMO CARE	NA	NA	\$25,000	\$25,000	399.1/340.1	1.144	NA	\$28,602	NA	NA	\$30,000
42 USC 1395m(b)(5)(E)	HMO CHARGING EXCESSIVE PREMIUMS	NA	NA	\$25,000	\$25,000	399.1/340.1	1.144	NA	\$28,602	NA	NA	\$30,000
42 USC 1395m(b)(5)(F)	HMO WRONGFULLY EXPELS INDIVIDUALS	NA	NA	\$25,000	\$25,000	399.1/340.1	1.144	NA	\$28,602	NA	NA	\$30,000
42 USC 1395m(b)(5)(G)	HMO DISCOURAGING ENROLLMENT	NA	NA	\$100,000	\$100,000	399.1/340.1	1.144	NA	\$114,408	NA	NA	\$110,000
42 USC 1395m(b)(5)(H)	HMO DISCOURAGING ENROLLMENT	NA	NA	\$16,000	\$16,000	399.1/353.5	1.101	NA	\$16,511	NA	NA	\$15,000
42 USC 1395m(b)(5)(I)	HMO PROVIDING FALSE INFO TO SECRETARY	NA	NA	\$100,000	\$100,000	399.1/340.1	1.144	NA	\$114,408	NA	NA	\$110,000
42 USC 1395m(b)(5)(J)	HMO FALSIFYING INFO	NA	NA	\$25,000	\$25,000	399.1/340.1	1.144	NA	\$28,602	NA	NA	\$30,000
42 USC 1395m(b)(5)(K)	HMO FAILS TO ENSURE SUPPLIER PROMPT PAY	NA	NA	\$25,000	\$25,000	399.1/340.1	1.144	NA	\$28,602	NA	NA	\$30,000
42 USC 1395m(b)(5)(L)	HMO EMPLOYEES EXCLUDED INDIVIDUAL/JENTY	NA	NA	\$25,000	\$25,000	399.1/371.7	1.047	NA	\$26,170	NA	NA	\$25,000
42 USC 1395m(b)(5)(M)	CLINICAL LAB REFERRAL VIOLATION	NA	NA	\$15,000	\$15,000	399.1/371.7	1.047	NA	\$15,702	NA	NA	\$15,000
42 USC 1395m(b)(5)(N)	IMPROPER PHYSICIAN REFERRAL OR SCHEME	NA	NA	\$10,000	\$10,000	399.1/371.7	1.047	NA	\$10,468	NA	NA	\$10,000
42 USC 1395m(b)(5)(O)	FAILURE TO REPORT OWNERSHIP ARRANGEMENTS	NA	NA	\$5,000	\$5,000	399.1/353.5	1.101	NA	\$5,504	NA	NA	\$5,000
42 USC 1395m(b)(5)(P)	MISREPRESENTATION OF MEDIGAP INS POLICY	NA	NA	\$5,000	\$5,000	399.1/353.5	1.101	NA	\$5,504	NA	NA	\$5,000
42 USC 1395m(b)(5)(Q)	SELLING MEDIGAP UNDER MEDICARE AUTH	NA	NA	\$5,000	\$5,000	399.1/353.5	1.101	NA	\$5,504	NA	NA	\$5,000
42 USC 1395m(b)(5)(R)	USE MAIL TO SALE NON-APPROV MEDICARE POL	NA	NA	\$2,000	\$2,000	399.1/327.9	1.187	NA	\$2,373	NA	NA	\$2,000
42 USC 1395m(b)(5)(S)	PHYSICIAN ASSISTANTS ASSIGNMENT VIOL	NA	NA	\$2,000	\$2,000	399.1/310.7	1.252	NA	\$2,505	NA	NA	\$3,000
42 USC 1395m(b)(5)(T)	PHYSICIAN FEE FREEZE VIOLATION	NA	NA	\$2,000	\$2,000	399.1/327.9	1.187	NA	\$2,373	NA	NA	\$2,000
42 USC 1395m(b)(5)(U)	MAXIMUM ALLOWABLE ACTUAL CHARGE	NA	NA	\$2,000	\$2,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395m(b)(5)(V)	NON-PARTIC MD OVERCHARGE-DESIGNAT PROC	NA	NA	\$2,000	\$2,000	399.1/327.9	1.187	NA	\$2,373	NA	NA	\$2,000
42 USC 1395m(b)(5)(W)	BILLING CATARACT SURGERY - NO APPROVAL	NA	NA	\$2,000	\$2,000	399.1/327.9	1.187	NA	\$2,373	NA	NA	\$2,000
42 USC 1395m(b)(5)(X)	VIOL REFUND REQUIRE - UNNECESSARY SERV	NA	NA	\$2,000	\$2,000	399.1/327.9	1.187	NA	\$2,373	NA	NA	\$2,000
42 USC 1395m(b)(5)(Y)	REFUND - ELECTIVE SURGERY NOT COVERED	NA	NA	\$2,000	\$2,000	399.1/340.1	1.144	NA	\$2,288	NA	NA	\$2,000
42 USC 1395m(b)(5)(Z)	DIAGNOSTIC TEST MARKUP PROHIBITION	NA	NA	\$2,000	\$2,000	399.1/353.5	1.101	NA	\$2,201	NA	NA	\$2,000
42 USC 1395w-2(a)(3)(c)	INTERMEDIATE CLINICAL LAB SANCTIONS	NA	NA	\$10,000	\$10,000	399.1/340.1	1.144	NA	\$11,441	NA	NA	\$10,000
42 USC 1395w-4(g)(1)	NON-ASSIGNED CLAIMS LIMITED CHARGES	NA	NA	\$2,000	\$2,000	399.1/371.7	1.047	NA	\$2,094	NA	NA	\$2,000
42 USC 1395w-4(g)(3)	ASSIGNMENT VIOL. - MEDICAID ELIGIBLES	NA	NA	\$2,000	\$2,000	399.1/371.7	1.047	NA	\$2,094	NA	NA	\$2,000

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING		MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
					AMOUNT	AS OF 3/1/81	AMOUNT	AS OF 3/1/81	AMOUNT	AS OF 3/1/81	AMOUNT	AS OF 3/1/81
42 USC 1385a-4(g)(4)	CLAIM FORM COMPLETION VIOLATION	\$2,000	NA	389.1/371.7	NA	\$2,084	NA	\$2,084	NA	NA	NA	\$2,000
42 USC 1385b(5)(C)(i)	FAILURE TO PROVIDE GROUP PLAN INFO	\$1,000	NA	389.1/371.7	NA	\$1,047	NA	\$1,047	NA	NA	NA	\$1,000
42 USC 1386b(m)	FAILURE TO PROVIDE HMO CARE	\$10,000	NA	389.1/327.9	NA	\$11,868	NA	\$11,868	NA	NA	NA	\$10,000
42 USC 1386b(1)(B)(i)(I)	FALSE CERT-CAPACITY OF SNE PATIENT	\$1,000	NA	389.1/340.1	NA	\$1,144	NA	\$1,144	NA	NA	NA	\$1,000
42 USC 1386b(1)(B)(i)(II)	CAUSE OTHER TO MAKE FALSE CERTIFICATION	\$5,000	NA	389.1/340.1	NA	\$5,720	NA	\$5,720	NA	NA	NA	\$5,000
42 USC 1386b(2)(A)	NOTIFY SKILL NURSE FACILITY OF SURVEY	\$2,000	NA	389.1/340.1	NA	\$2,288	NA	\$2,288	NA	NA	NA	\$2,000
42 USC 1386f(i)	NONCOMPLIANCE WITH CONDITIONS OF PARTIC	\$10,000	NA	389.1/340.1	NA	\$11,441	NA	\$11,441	NA	NA	NA	\$10,000
42 USC 11131(G)	FAILURE TO REPORT MEDICAL MALPRACTICE LIABILITY	\$10,000	NA	389.1/327.9	NA	\$11,868	NA	\$11,868	NA	NA	NA	\$10,000
42 USC 11137(b)(2)	CONFIDENTIALITY BREACH RE: MALPRACTICE INFO	\$10,000	NA	389.1/327.9	NA	\$11,868	NA	\$11,868	NA	NA	NA	\$10,000
U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT												
12 USC 1701q-1	UNLAWFUL CONDUCT BY ELDERLY PROJECT MORTGAGORS	\$25,000	NA	389.1/371.7	NA	\$28,170	NA	\$28,170	NA	NA	NA	\$25,000
12 USC 1703	FALSE INFO PROVIDED BY TITLE I DEALER/BROKERS	\$5,000	NA	389.1/371.7	NA	\$5,234	NA	\$5,234	NA	NA	NA	\$5,000
12 USC 1728l	UNLAWFUL CONDUCT BY GNMA ISSUERS/CUSTODIANS	\$5,000	NA	389.1/371.7	NA	\$5,234	NA	\$5,234	NA	NA	NA	\$5,000
12 USC 1735l-14	UNLAWFUL CONDUCT BY LENDERS/MORTGAGEES	\$5,000	NA	389.1/371.7	NA	\$5,234	NA	\$5,234	NA	NA	NA	\$5,000
12 USC 1735l-15	UNLAWFUL CONDUCT BY PROJECT MORTGAGOR	\$25,000	NA	389.1/371.7	NA	\$28,170	NA	\$28,170	NA	NA	NA	\$25,000
15 USC 1717(e)	UNLAWFUL CONDUCT BY INTERSTATE LAND SALE DEVELOPERS	\$1,000,000	NA	389.1/371.7	NA	\$1,046,812	NA	\$1,046,812	NA	NA	NA	\$1,050,000
31 USC 3602(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	\$5,000	NA	389.1/327.9	NA	\$5,833	NA	\$5,833	NA	NA	NA	\$5,000
31 USC 3602(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	\$5,000	NA	389.1/327.9	NA	\$5,833	NA	\$5,833	NA	NA	NA	\$5,000
42 USC 3537(e)	EMPLOYEE DISCLOSURE OF FUNDING DECISION	\$10,000	NA	389.1/371.7	NA	\$10,468	NA	\$10,468	NA	NA	NA	\$10,000
42 USC 3537(f)	CONSULTANTS FAILURE TO REGISTER/REPORT TO HUD	\$10,000	NA	389.1/371.7	NA	\$10,468	NA	\$10,468	NA	NA	NA	\$10,000
42 USC 3545(f)	APPLICANTS FOR ASSISTANCE FAILURE TO DISCLOSE INFO	\$10,000	NA	389.1/371.7	NA	\$10,468	NA	\$10,468	NA	NA	NA	\$10,000
42 USC 5410(e)	UNLAWFUL CONDUCT BY MANUFACTURED HOME MANUFACTURERS	\$1,000,000	NA	389.1/343.9	NA	\$2,649	NA	\$2,649	NA	NA	NA	\$2,650,000
U.S. DEPT. OF THE INTERIOR												
BUREAU OF LAND MANAGEMENT												
30 USC 1719(a)(2)	LESS THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS	\$500	NA	389.1/296.1	NA	\$653	NA	\$653	NA	NA	NA	\$700
30 USC 1719(c)	MORE THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS	\$5,000	NA	389.1/296.1	NA	\$6,528	NA	\$6,528	NA	NA	NA	\$7,000
30 USC 1719(c)(3)	VIOLATIONS/OIL & GAS/KNOWING, WILLFUL ACTS	\$10,000	NA	389.1/296.1	NA	\$13,053	NA	\$13,053	NA	NA	NA	\$15,000
30 USC 1719(c)(3)	FALSE INFO/STOLEN OR UNLAWFUL REMOVED OIL & GAS	\$25,000	NA	389.1/296.1	NA	\$32,632	NA	\$32,632	NA	NA	NA	\$35,000
U.S. DEPT. OF THE INTERIOR												
FISH AND WILDLIFE SERVICE												
16 USC 668(b)	VIOLATIONS/SALE, POSSESSION, ETC OF BALD EAGLE	\$5,000	NA	389.1/126.0	NA	\$6,384	NA	\$6,384	NA	NA	NA	\$15,000
16 USC 1375(a)(1)	VIOLATIONS/CONSERVATION REGS./MARINE MAMMAL PROTECTION ACT	\$10,000	NA	389.1/126.0	NA	\$12,768	NA	\$12,768	NA	NA	NA	\$30,000
16 USC 1540(a)(1)	VIOLATIONS/ENDANGERED SPECIES	\$25,000	NA	389.1/353.5	NA	\$32,518	NA	\$32,518	NA	NA	NA	\$30,000
16 USC 1540(a)(1)	VIOLATIONS/ENDANGERED SPECIES	\$12,000	NA	389.1/353.5	NA	\$15,208	NA	\$15,208	NA	NA	NA	\$15,000

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
						NA	\$500	NA	\$10,000		
18 USC 1540(a)(1)	VIOLATIONS/ENDANGERED SPECIES	NA	\$500	389.1 / 296.1	1.314	NA	\$500	NA	\$665	NA	\$700
18 USC 3373(a)(1)	SALE, POSSESSION OR TRANSP. - FISH/WILDLIFE/PLANTS	NA	\$10,000	389.1 / 271.3	1.434	NA	\$10,000	NA	\$14,342	NA	\$15,000
U.S. DEPT. OF THE INTERIOR MINERALS MANAGEMENT SERVICE											
30 USC 1719(a)(2)	LESS THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS	NA	\$500	389.1 / 296.1	1.305	NA	\$500	NA	\$653	NA	\$700
30 USC 1719(b)	MORE THAN 40 DAY NONCOMPLIANCE - OIL & GAS LAWS	NA	\$5,000	389.1 / 296.1	1.305	NA	\$5,000	NA	\$6,526	NA	\$7,000
30 USC 1719(a)(3)	VIOLATIONS/OIL & GAS/KNOVING, WILLFUL ACTS	NA	\$10,000	389.1 / 296.1	1.305	NA	\$10,000	NA	\$13,053	NA	\$15,000
30 USC 1719(b)(3)	FALSE INFO/STOLEN OR UNLAWFUL REMOVED OIL & GAS	NA	\$25,000	389.1 / 296.1	1.305	NA	\$25,000	NA	\$32,632	NA	\$35,000
43 USC 1350	NONCOMPLIANCE/OUTER CNTRL SHELF LANDS ACT	NA	\$20,000	389.1 / 386.1	1.000	NA	\$20,000	NA	\$20,000	NA	\$20,000
U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING											
30 USC 1268(a)	NOTICE OF VIOLATION/SURFACE MINING CONTROL & RECL. ACT	NA	\$5,000	389.1 / 181.8	2.140	NA	\$5,000	NA	\$10,701	NA	\$10,000
30 USC 1268(b)	FAILURE TO CORRECT ACTION/SURFACE MINING CONTROL & RECL. ACT	NA	\$750	389.1 / 181.8	2.140	NA	\$750	NA	\$1,605	NA	\$2,000
INTERNATIONAL TRADE COMMISSION											
19 USC 1337(f)	VIOL-REMEDIAL ORDERS IN INVESTIGATIONS	NA	\$100,000	389.1 / 353.5	1.101	NA	\$100,000	NA	\$110,071	NA	\$110,000
INTERSTATE COMMERCE COMMISSION											
49 USC 1052(b)	LOADING AND UNLOADING	NA	\$10,000	389.1 / 247.8	1.571	NA	\$10,000	NA	\$15,715	NA	\$15,000
49 USC 11901(a)	FAILURE TO OBEY COMMISSION ORDER	NA	\$5,000	389.1 / 29.3	13.280	NA	\$5,000	NA	\$66,399	NA	\$65,000
49 USC 11901(b)	VIOLATION OF REGULATION OR ORDER WITH RESPECT TO RATES, TARIFFS BY RAILROADS	NA	\$25	389.1 / 29.3	13.280	NA	\$25	NA	\$6,640	NA	\$7,000
49 USC 11901(c)	VIOLATION OF REGULATION OR ORDER BY RAILROAD WITH RESPECT TO PROPERTY VALUATI	NA	\$500	389.1 / 29.3	13.280	NA	\$500	NA	\$6,640	NA	\$7,000
49 USC 11901(d)	UNAUTHORIZED OPERATION OR ABANDONMENT BY RAILROAD	NA	\$5,000	389.1 / 62.7	6.206	NA	\$5,000	NA	\$31,029	NA	\$30,000
49 USC 11901(e)(1)	VIOLATION OF COMMISSION ORDER REGARDING EMERGENCY SITUATION	\$100	\$500	389.1 / 38.8	10.028	\$100	\$500	\$1,003	\$5,014	\$1,000	\$5,000
49 USC 11901(e)(2)	FAILURE TO MAKE PROPER CAR DISTRIBUTION BY RAILROAD	NA	\$50	389.1 / 62.7	6.206	NA	\$50	NA	\$601	NA	\$500
49 USC 11901(f)(1)	FAILURE TO PRESERVE AND SUBMIT RECORD BY RAILROAD	NA	\$100	389.1 / 42.1	9.242	NA	\$100	NA	\$621	NA	\$600
49 USC 11901(f)(2)	FAILURE TO PERMIT INSPECTION BY RAILROAD	NA	\$500	389.1 / 42.1	9.242	NA	\$500	NA	\$4,821	NA	\$5,000
49 USC 11901(f)(3)	FAILURE TO MAKE COMPLETE REPORT BY RAILROAD	NA	\$100	389.1 / 42.1	9.242	NA	\$100	NA	\$924	NA	\$900
49 USC 11901(g)	FOREIGN CARRIER OPERATING WITHOUT AUTHORITY AND RECORDS	NA	\$500	389.1 / 71.8	5.442	NA	\$500	NA	\$2,721	NA	\$3,000
49 USC 11901(g)	UNAUTHORIZED PASSENGER OPERATIONS	NA	\$250	389.1 / 71.8	5.442	NA	\$250	NA	\$1,360	NA	\$1,000
49 USC 11901(h)	UNAUTHORIZED MOTOR TRANSPORTATION; HAZARDOUS WASTE	NA	\$1,000	389.1 / 290.8	1.339	NA	\$1,000	NA	\$1,339	NA	\$1,000
49 USC 11901(i)	FAILURE TO KEEP RECORDS; UNAUTHORIZED OPERATIONS BY HIG CARRIER	NA	\$500	389.1 / 290.8	1.339	NA	\$500	NA	\$669	NA	\$700
49 USC 11901(j)	FAILURE TO KEEP RECORDS; UNAUTHORIZED OPERATIONS BY HIG CARRIER	NA	\$20,000	389.1 / 247.8	1.571	NA	\$20,000	NA	\$31,430	NA	\$30,000
49 USC 11901(k)	FAILURE TO KEEP RECORDS; UNAUTHORIZED OPERATIONS BY HIG CARRIER	NA	\$500	389.1 / 247.8	1.571	NA	\$500	NA	\$766	NA	\$800
49 USC 11901(l)	FAILURE TO KEEP RECORDS; UNAUTHORIZED OPERATIONS BY HIG CARRIER	NA	\$250	389.1 / 247.8	1.571	NA	\$250	NA	\$393	NA	\$400

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
49 USC 119010(k)	FAILURE TO COMPLY WITH REGULATIONS BY HHG CARRIER	NA	\$1,000	399.1 / 247.5	1.571	NA	\$1,571	NA	\$2,000
49 USC 119010(k)(2)(B)	VIOLATIONS OF HHG REGULATIONS BY FAILURE OR REFUSAL TO COMPLY	NA	\$500	399.1 / 247.5	1.571	NA	\$786	NA	\$800
49 USC 119010(k)	FALSIFYING HHG DOCUMENTS	NA	\$500	399.1 / 247.5	1.571	NA	\$786	NA	\$800
49 USC 11901(r)	FALSIFYING HHG DOCUMENTS	NA	\$250	399.1 / 247.5	1.571	NA	\$393	NA	\$400
49 USC 11902(a)	FALSIFYING HHG DOCUMENTS/SUBSEQUENT VIOLATIONS	NA	\$2,000	399.1 / 247.5	1.571	NA	\$3,143	NA	\$3,000
	LOADING AND UNLOADING VIOLATION (LUMPING)	NA	\$5,000	399.1 / 247.5	1.571	NA	\$7,857	NA	\$8,000
		NA	\$10,000	399.1 / 247.5	1.571	NA	\$15,715	NA	\$15,000
U.S. DEPT. OF JUSTICE ANTI-TRUST DIVISION									
15 USC 19(a)(1)	ACQUIRING VOTING SECURITIES OR ASSETS WITHOUT FILING NOTIFICATION, OR DURING WAIT	NA	\$10,000	399.1 / 170.1	2.287	NA	\$22,875	NA	\$25,000
U.S. DEPT. OF JUSTICE CIVIL DIVISION									
31 USC 3729	VIOLATIONS/FALSE CLAIMS ACT INVOLVING DOD CONTRACT	NA	\$2,000	399.1 / 327.9	1.187	NA	\$2,373	NA	\$2,000
31 USC 3729	VIOLATIONS/FALSE CLAIMS ACT	\$5,000	\$10,000	399.1 / 327.9	1.187	\$5,953	\$11,698	\$6,000	\$10,000
U.S. DEPT. OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE									
8 USC 1221	FAILURE TO DELIVER LIST OF PERSONS ON VESSEL OR AIRCRAFT	NA	\$300	399.1 / 398.1	1.000	NA	\$300	NA	\$300
8 USC 1227	IMMEDIATE DEPORTATION OF ALIENS EXCLUDED FROM ADMISSION	NA	\$2,000	399.1 / 398.1	1.000	NA	\$2,000	NA	\$2,000
8 USC 1229	DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARR. BY CIVIL AIRCRAFT	NA	\$2,000	399.1 / 398.1	1.000	NA	\$2,000	NA	\$2,000
8 USC 1281	LIST OF ALIEN CREWMEN/REPTS. OF ILLEGAL LANDINGS	NA	\$200	399.1 / 398.1	1.000	NA	\$200	NA	\$200
8 USC 1284	CONTROL OF ALIEN CREWMEN	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1286	EMPLOYMENT OF ALIENS W/CERTAIN DISABILITIES	NA	\$1,000	399.1 / 398.1	1.000	NA	\$1,000	NA	\$1,000
8 USC 1286	DISCHARGE OF ALIEN CREWMEN	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1287	BRINGING ALIEN CREWMEN TO U.S. WITHOUT TO EVADE IMM. LAWS	NA	\$10,000	399.1 / 398.1	1.000	NA	\$10,000	NA	\$10,000
8 USC 1321	INS USER FEE ACCT/PREVENTION OF UNAUTHORIZED LANDING OF ALIENS	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1322	BRINGING ALIEN TO U.S. W/UNSPECIFIED MENTAL/PHYSICAL DEFECTS	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1322	BRINGING ALIEN TO U.S. W/OTHER MENTAL/PHYSICAL DEFECTS	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1323	INS USER FEE ACCT/UNLAWFUL BRINGING ALIEN TO U.S. W/EXPIRED VISA	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1323	INS USER FEE ACCT/FAILURE TO DETAIN/DEPORT ALIEN STOWAWAY	NA	\$3,000	399.1 / 398.1	1.000	NA	\$3,000	NA	\$3,000
8 USC 1324	EMPLOYER SANCTION/CEASE & DESIST ORDER FOR HIRING, RECRUITING & REFERRAL VIOLATIONS								
	— 1ST ORDER	\$250	\$2,000	399.1 / 327.9	1.187	\$287	\$2,373	\$300	\$2,000
8 USC 1324(a)	— 2ND ORDER	\$2,000	\$5,000	399.1 / 327.9	1.187	\$2,373	\$5,953	\$2,000	\$6,000
8 USC 1324(a)	— 3RD OR SUBSEQUENT ORDER	\$3,000	\$10,000	399.1 / 327.9	1.187	\$3,560	\$11,866	\$4,000	\$10,000
8 USC 1324(a)	PAPERWORK VIOLATIONS	\$100	\$1,000	399.1 / 327.9	1.187	\$119	\$1,187	\$100	\$1,000
8 USC 1324(a)	VIOLATION/PROHIBITION OF INDEMNITY BONDS	NA	\$1,000	399.1 / 327.9	1.187	NA	\$1,187	NA	\$1,000

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
8 USC 1324(c)	DOCUMENT FRAUD								
8 USC 1324(d)	— 1ST ORDER	\$250	\$2,000	369.1 / 398.1	\$250	\$2,000	\$250	\$2,000	
8 USC 1324(e)	— 2ND OR SUBSEQUENT ORDER	\$2,000	\$5,000	369.1 / 398.1	\$2,000	\$5,000	\$2,000	\$5,000	
8 USC 1325(a)	ANTI-DISCRIMINATION VIOLATIONS								
8 USC 1325(b)	— 1ST ORDER	\$250	\$2,000	369.1 / 398.1	\$250	\$2,000	\$250	\$2,000	
8 USC 1325(c)	— 2ND ORDER	\$2,000	\$5,000	369.1 / 398.1	\$2,000	\$5,000	\$2,000	\$5,000	
8 USC 1325(d)	— 3RD OR SUBSEQUENT ORDER	\$5,000	\$10,000	369.1 / 398.1	\$5,000	\$10,000	\$5,000	\$10,000	
8 USC 1325(e)	— CERTAIN DOCUMENTARY PRACTICES	\$100	\$1,000	369.1 / 398.1	\$100	\$1,000	\$100	\$1,000	
U.S. DEPT. OF LABOR									
EMPLOYMENT STANDARDS ADMINISTRATION									
8 USC 1188	VIOLATION OF EACH WORK CONTRACT OR H-2A REGULATIONS	NA	\$1,000	369.1 / 340.1	NA	\$1,144	NA	\$1,144	
8 USC 1189	VIOLATION/DISCRIMINATION OR INTERFERENCE WITH-2A INVESTIGATIONS	NA	\$1,000	369.1 / 340.1	NA	\$1,144	NA	\$1,144	
29 USC 211(a)	VIOLATION OF HOMEMAKER REGULATIONS	NA	\$500	369.1 / 353.5	NA	\$550	NA	\$550	
29 USC 218(a)	WILLFUL OR REPEATED VIOLATION OF FLSA, MW & OT PAY PROVISIONS	NA	\$1,000	369.1 / 371.7	NA	\$1,047	NA	\$1,047	
29 USC 1853	VIOLATION OF MPPSA OR THE REGULATIONS	NA	\$1,000	369.1 / 298.1	NA	\$1,305	NA	\$1,305	
29 USC 1853	VIOLATION OF SAWRAW	NA	\$1,000	369.1 / 353.5	NA	\$1,101	NA	\$1,101	
29 USC 2005	VIOLATION OF ANY PROVISION OF EPPA	NA	\$10,000	369.1 / 353.5	NA	\$11,007	NA	\$11,007	
30 USC 833(g)(1)	FAILURE TO SECURE BENEFIT	NA	\$1,000	369.1 / 181.8	NA	\$2,140	NA	\$2,140	
30 USC 942(b)	FAILURE TO REPORT INJURY	NA	\$500	369.1 / 191.8	NA	\$1,070	NA	\$1,070	
33 USC 914(g)	FAILURE TO REPORT FINAL PAYMENT OF COMPENSATION	NA	\$100	369.1 / 327.7	NA	\$736	NA	\$736	
33 USC 930(e)	FAILURE TO REPORT INJURY	NA	\$10,000	369.1 / 310.7	NA	\$12,823	NA	\$12,823	
33 USC 948a	DISCRIMINATION AGAINST EMPLOYEES	NA	\$5,000	369.1 / 310.7	NA	\$6,262	NA	\$6,262	
PL 101-238	NONIMMIGRANT ALIEN NURSES	\$1,000	\$1,000	369.1 / 371.7	NA	\$1,047	NA	\$1,047	
PL 101-508	VIOLATION OF FLSA CHILD LABOR PROVISIONS	NA	\$10,000	369.1 / 398.1	NA	\$10,000	NA	\$10,000	
PL 101-649	LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEN	NA	\$5,000	369.1 / 398.1	NA	\$5,000	NA	\$5,000	
PL 101-649	H-1B SPECIALTY OCCUPATIONS	NA	\$1,000	369.1 / 398.1	NA	\$1,000	NA	\$1,000	
U.S. DEPT. OF LABOR									
MINE SAFETY AND HEALTH ADMINISTRATION									
30 USC 820(a)	VIOLATION OF HEALTH STANDARDS AND MINE ACT	NA	\$50,000	369.1 / 398.1	NA	\$50,000	NA	\$50,000	
30 USC 820(b)	FAILURE TO CORRECT	NA	\$5,000	369.1 / 398.1	NA	\$5,000	NA	\$5,000	
30 USC 820(g)	VIOLATION OF MINE ACT COMMITTED BY MINER	NA	\$250	369.1 / 191.8	NA	\$635	NA	\$635	
U.S. DEPT. OF LABOR									
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
29 USC 660(a)	REPEATED VIOLATION OF OSHA STANDARD	NA	\$70,000	369.1 / 398.1	NA	\$70,000	NA	\$70,000	
29 USC 660(b)	SERIOUS VIOLATION OF OSHA STANDARD	\$1	\$7,000	369.1 / 398.1	\$1	\$7,000	\$0	\$7,000	
29 USC 660(c)	OTHER THAN SERIOUS VIOLATION OF OSHA STANDARD	NA	\$7,000	369.1 / 398.1	NA	\$7,000	NA	\$7,000	
29 USC 660(d)	FAILURE TO CORRECT OSHA STANDARD	NA	\$7,000	369.1 / 398.1	NA	\$7,000	NA	\$7,000	
29 USC 660(e)	WILLFUL VIOLATION OF OSHA STANDARD	\$5,000	\$70,000	369.1 / 398.1	\$5,000	\$70,000	\$5,000	\$70,000	

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
29 USC 668(f)	POSTING REQUIREMENTS	\$1	\$7,000	389.1 / 389.1	1.000	\$1	\$0	\$7,000	\$7,000	
<b>U.S. DEPT. OF LABOR PENSION AND WELFARE BENEFITS ADMINISTRATION</b>										
29 USC 1059(b)	FAILURE TO FURNISH INFO OR MAINTAIN RECORDS	NA	\$10	389.1 / 146.9	2.649	NA	NA	\$26	NA	
29 USC 1132(a)(1)(A)	FAILURE TO NOTIFY PLAN PARTICIPANTS OF GROUP HEALTH BENEFITS UNDER COBRA	NA	\$100	389.1 / 327.9	1.187	NA	NA	\$119	NA	
29 USC 1132(a)(1)(A)	FAILURE TO NOTIFY PARTICIPANTS & BENEFICIARIES RE: ASSET TRANSFER FROM A PENSION PLAN TO A HEALTH PLAN	NA	\$100	389.1 / 386.1	1.000	NA	NA	\$100	\$100	
29 USC 1132(a)(1)(B)	REFUSAL TO PROVIDE REQ. INFO IN TIMELY MANNER	NA	\$100	389.1 / 146.9	2.649	NA	NA	\$265	NA	
29 USC 1132(a)(2)	FAILURE OR REFUSAL TO FILE AN ANNUAL REPORT	NA	\$1,000	389.1 / 246.1	1.144	NA	NA	\$1,144	NA	
29 USC 1132(a)(3)	FAILURE TO NOTIFY PARTICIPANTS & BENEFICIARIES RE: FAILURE TO MEET MINIMUM FUNDING REQS.	NA	\$100	389.1 / 371.7	1.047	NA	NA	\$105	NA	
29 USC 1132(a)(3)	FAILURE TO NOTIFY PARTICIPANTS & BENEFICIARIES RE: EXCESS PENSION ASSET TRANSFER TO HEALTH BENEFITS ACCOUNT	NA	\$100	389.1 / 389.1	1.000	NA	NA	\$100	\$100	
<b>MERT SYSTEMS PROTECTION BOARD</b>										
5 USCA 1215(a)(3)	PROHIBITED PERSONNEL PRACTICE	NA	\$1,000	389.1 / 196.3	1.992	NA	NA	\$1,992	NA	
<b>NATIONAL CREDIT UNION ADMINISTRATION</b>										
12 USC 1786(k)(2)(A)	FIRST TIER CMP	NA	\$5,000	389.1 / 371.7	1.047	NA	NA	\$5,234	NA	
12 USC 1786(k)(2)(B)	SECOND TIER CMP	NA	\$25,000	389.1 / 371.7	1.047	NA	NA	\$26,170	NA	
12 USC 1786(k)(2)(C)	THIRD TIER CMP	NA	\$1,000,000	389.1 / 371.7	1.047	NA	NA	\$1,046,812	NA	
<b>NATIONAL SCIENCE FOUNDATION</b>										
16 USC 2407(a)	ANTARCTIC CONSERVATION ACT/INTENTIONAL VIOLATION	NA	\$5,000	389.1 / 146.9	1.992	NA	NA	\$9,992	NA	
16 USC 2407(a)	ANTARCTIC CONSERVATION ACT/INTENTIONAL VIOLATION	NA	\$10,000	389.1 / 196.3	1.992	NA	NA	\$19,923	NA	
<b>NATIONAL TRANSPORTATION SAFETY BOARD</b>										
49 USC 1471(a)(1)	VIOL FAA 49 USC 1441 OR RULE/REG REGARDING	NA	\$1,000	389.1 / 86.7	4.488	NA	NA	\$4,488	NA	
<b>NUCLEAR REGULATORY COMMISSION</b>										
42 USC 2114	VIOLATIONS—OWNERSHIP & CUSTODY OF BYPRODUCT MATERIAL AND DISPOSAL SITES	NA	\$100,000	389.1 / 247.6	1.571	NA	NA	\$157,149	NA	
42 USC 2167	VIOLATIONS—MARKING, USE, STORAGE, & DESTRUCTION OF SENSITIVE INFORMATION	NA	\$100,000	389.1 / 247.6	1.571	NA	NA	\$157,149	NA	
42 USC 2282	VIOLATIONS OF LICENSING PROVISIONS	NA	\$100,000	389.1 / 247.6	1.571	NA	NA	\$157,149	NA	
42 USC 5846	FAILURE TO REPORT DEFECTS & NONCOMPLIANCE	NA	\$100,000	389.1 / 247.6	1.571	NA	NA	\$157,149	NA	

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
5 USC 8902a	OFFICE OF PERSONNEL MANAGEMENT FRAUD/FEDERAL HEALTH BENEFITS PROGRAM PROVIDERS	NA	\$10,000	389.1 / 353.5	1.101	NA	\$11,007	NA	\$10,000
	PENSION BENEFIT GUARANTY CORPORATION								
Sect. 4071; 29 USC 1371	FAILURE TO PROVIDE REQUIRED NOTICE OR MATERIAL INFORMATION	NA	\$1,000	389.1 / 340.1	1.144	NA	\$1,144	NA	\$1,000
Sect. 4302; 29 USC 1452	FAILURE TO PROVIDE REQUIRED NOTICE	NA	\$100	389.1 / 247.9	1.571	NA	\$157	NA	\$200
	U.S. POSTAL SERVICE								
39 USC 3012	PENALTY - VIOLATION OF POSTAL SERVICE ORDERS	NA	\$10,000	389.1 / 298.1	1.305	NA	\$13,053	NA	\$15,000
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000
	RAILROAD RETIREMENT BOARD								
31 USC 3729(a)	FALSE CLAIMS	\$5,000	\$10,000	389.1 / 327.9	1.187	\$5,933	\$11,686	\$6,000	\$10,000
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,933	NA	\$6,000
	SECURITIES AND EXCHANGE COMMISSION								
15 USC 771(d)	SECURITIES ACT OF 1933/VIOLATIONS (IMPOSED BY COURT) --FOR NATURAL PERSON	NA	\$5,000	389.1 / 389.1	1.000	NA	\$5,000	NA	\$5,000
	--FOR ANY OTHER PERSON	NA	\$50,000	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
	--FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
	--FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	389.1 / 389.1	1.000	NA	\$250,000	NA	\$250,000
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	389.1 / 389.1	1.000	NA	\$100,000	NA	\$100,000
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	389.1 / 389.1	1.000	NA	\$500,000	NA	\$500,000
15 USC 781(b)	EXCHANGE ACT/FAILURE TO FILE INFO, DOCUMENTS, REPORTS	NA	\$100	389.1 / 41.4	9.389	NA	\$940	NA	\$900
15 USC 781(a)(1)(B)	FOREIGN CORRUPT PRACTICES -- ANY ISSUER	NA	\$10,000	389.1 / 353.5	1.101	NA	\$11,007	NA	\$10,000
15 USC 781(a)(2)(C)	FOREIGN CORRUPT PRACTICES -- ANY AGENT OR STOCKHOLDER ACTING ON BEHALF OF ISS	NA	\$10,000	389.1 / 353.5	1.101	NA	\$11,007	NA	\$10,000
15 USC 78u-1(a)(3)	INSIDER TRADING -- CONTROLLING PERSONS	NA	\$1,000,000	389.1 / 353.5	1.101	NA	\$1,100,707	NA	\$1,100,000

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U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		INFLATION FACTOR AS OF 3/1/81	INFLATION FACTOR AS OF 3/1/81	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDDING		MAXIMUM PENALTY AMOUNT AFTER ROUNDDING		
		SET BY LAW AS OF 3/1/81	SET BY LAW AS OF 3/1/81	SET BY LAW AS OF 3/1/81	SET BY LAW AS OF 3/1/81				INFLATION FACTOR	INFLATION FACTOR	INFLATION FACTOR	INFLATION FACTOR	INFLATION FACTOR	INFLATION FACTOR			
15 USC 76u-2	SECURITIES EXCHANGE ACT OF 1934/VIOLATIONS																
	--FOR NATURAL PERSON	NA	\$5,000	NA	\$5,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$5,000	NA	\$5,000	NA	\$5,000	NA	\$5,000	
	--FOR ANY OTHER PERSON	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	NA	\$250,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$250,000	NA	\$250,000	NA	\$250,000	NA	\$250,000	
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$100,000	NA	\$100,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$100,000	NA	\$100,000	NA	\$100,000	NA	\$100,000	
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$500,000	NA	\$500,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$500,000	NA	\$500,000	NA	\$500,000	NA	\$500,000	
	SECURITIES EXCHANGE ACT OF 1934/VIOLATIONS (IMPOSED BY COURT)																
15 USC 76u-4(x)	--FOR NATURAL PERSON	NA	\$5,000	NA	\$5,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$5,000	NA	\$5,000	NA	\$5,000	NA	\$5,000	
	--FOR ANY OTHER PERSON	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$250,000	NA	\$250,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$250,000	NA	\$250,000	NA	\$250,000	NA	\$250,000	
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	NA	\$100,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$100,000	NA	\$100,000	NA	\$100,000	NA	\$100,000	
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	NA	\$500,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$500,000	NA	\$500,000	NA	\$500,000	NA	\$500,000	
	INVESTMENT COMPANY ACT OF 1940/VIOLATIONS																
15 USC 80a-9(c)	--FOR NATURAL PERSON	NA	\$5,000	NA	\$5,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$5,000	NA	\$5,000	NA	\$5,000	NA	\$5,000	
	--FOR ANY OTHER PERSON	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	NA	\$250,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$250,000	NA	\$250,000	NA	\$250,000	NA	\$250,000	
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$100,000	NA	\$100,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$100,000	NA	\$100,000	NA	\$100,000	NA	\$100,000	
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$500,000	NA	\$500,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$500,000	NA	\$500,000	NA	\$500,000	NA	\$500,000	
	INVESTMENT COMPANY ACT OF 1940/VIOLATIONS (IMPOSED BY COURT)																
	--FOR NATURAL PERSON	NA	\$5,000	NA	\$5,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$5,000	NA	\$5,000	NA	\$5,000	NA	\$5,000	
15 USC 80a-41(e)	--FOR ANY OTHER PERSON	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	NA	\$50,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$50,000	NA	\$50,000	NA	\$50,000	NA	\$50,000	
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$250,000	NA	\$250,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$250,000	NA	\$250,000	NA	\$250,000	NA	\$250,000	
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	NA	\$100,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$100,000	NA	\$100,000	NA	\$100,000	NA	\$100,000	
	--FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	NA	\$500,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$500,000	NA	\$500,000	NA	\$500,000	NA	\$500,000	
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	NA	\$500,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$500,000	NA	\$500,000	NA	\$500,000	NA	\$500,000	
	--FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	NA	\$500,000	389.7 / 389.1	1.000	389.7 / 389.1	NA	\$500,000	NA	\$500,000	NA	\$500,000	NA	\$500,000	

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

DDE ON	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER PL 101-410 ROUNDING	MAXIMUM PENALTY AMOUNT AFTER PL 101-410 ROUNDING
2 80b-3(d)	INVESTMENT ADVISERS ACT OF 1940/VIOLATIONS —FOR NATURAL PERSON	NA	\$5,000	389.1 / 389.1	1.000	NA	\$5,000	NA	\$5,000
	—FOR ANY OTHER PERSON	NA	\$50,000	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
	—FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
	—FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	389.1 / 389.1	1.000	NA	\$250,000	NA	\$250,000
	—FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$100,000	389.1 / 389.1	1.000	NA	\$100,000	NA	\$100,000
	—FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF	NA	\$500,000	389.1 / 389.1	1.000	NA	\$500,000	NA	\$500,000
2 80b-6(e)	INVESTMENT ADVISERS ACT OF 1940/VIOLATIONS (IMPOSED BY COURT) —FOR NATURAL PERSON	NA	\$5,000	389.1 / 389.1	1.000	NA	\$5,000	NA	\$5,000
	—FOR ANY OTHER PERSON	NA	\$50,000	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
	—FOR NATURAL PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$50,000	389.1 / 389.1	1.000	NA	\$50,000	NA	\$50,000
	—FOR ANY OTHER PERSON/FRAUD, RECKLESS DISREGARD OF REG. REQ.	NA	\$250,000	389.1 / 389.1	1.000	NA	\$250,000	NA	\$250,000
	—FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$100,000	389.1 / 389.1	1.000	NA	\$100,000	NA	\$100,000
	—FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS	NA	\$500,000	389.1 / 389.1	1.000	NA	\$500,000	NA	\$500,000
L BUSINESS ADMINISTRATION									
C 3729(a)	FALSE CLAIMS	\$5,000	\$10,000	389.1 / 327.9	1.187	\$5,853	\$11,868	\$6,000	\$10,000
C 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,853	NA	\$6,000
C 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	389.1 / 327.9	1.187	NA	\$5,853	NA	\$6,000
STATE DEPARTMENT									
2E OF DEFENSE TRADE CONTROLS									
C 2778(f)	VIOLATIONS INVOLVING CONTROLS ON DEFENSE ARTICLES & SVCS	NA	\$500,000	389.1 / 322.3	1.207	NA	\$603,630	NA	\$600,000
C 2780(a)&(b)	VIOLATIONS INVOLVING CONTROLS ON DEFENSE ARTICLES & SVCS	NA	\$500,000	389.1 / 371.7	1.047	NA	\$523,408	NA	\$525,000
ESSEE VALLEY AUTHORITY									
C 1952(c)	PROHIBITED EXPENDITURE/FAILURE TO FILE OR AMEND REQ. DECLARATION	\$10,000	\$100,000	389.1 / 371.7	1.047	\$10,468	\$104,681	\$10,000	\$100,000
DEPT. OF TRANSPORTATION									
COAST GUARD									
C 471	ANCHORAGE GROUND/HARBOR REGS: GENERAL	NA	\$100	389.1 / 298.1	1.305	NA	\$131	NA	\$100
C 474	ANCHORAGE GROUND/HARBOR REGS: ST. MARY'S RIVER	NA	\$200	389.1 / 97.1	4.007	NA	\$801	NA	\$800
C 486	BRIDGES/ FAILURE TO COMPLY WITH REGS.	NA	\$1,000	389.1 / 298.1	1.305	NA	\$1,305	NA	\$1,000
C 488	BRIDGES/ DRAWBRIDGES	NA	\$1,000	389.1 / 353.5	1.101	NA	\$1,101	NA	\$1,000

S: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF THE YEAR OF LAST ADJUSTMENT.



EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	
						MINIMUM PENALTY AMOUNT AFTER	MAXIMUM PENALTY AMOUNT AFTER	MINIMUM PENALTY AMOUNT AFTER	MAXIMUM PENALTY AMOUNT AFTER
48 USC 8101(g)	MANNING OF INSPECTED VESSELS	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8102(a)	WATCHMEN ON PASSENGER VESSEL	NA	\$1,000	399.3 / 310.7	1.282	NA	\$1,282	NA	\$1,282
48 USC 8103(f)	CITIZENSHIP REQUIREMENTS	NA	\$500	399.3 / 353.5	1.101	NA	\$550	NA	\$550
48 USC 8104(f)	WATCHES ON VESSELS	NA	\$10,000	399.3 / 349.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8302(e)	WATCHES ON VESSELS	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8302(f)	STAFF DEPARTMENT ON VESSELS	NA	\$100	399.3 / 322.3	1.207	NA	\$121	NA	\$121
48 USC 8304(f)	OFFICERS' COMPETENCY CERTIFICATES	NA	\$100	399.3 / 298.1	1.305	NA	\$131	NA	\$131
48 USC 8502(e)	COASTWISE PILOTAGE	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8503	COASTWISE PILOTAGE	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8701(f)	FEDERAL PILOTS	NA	\$25,000	399.3 / 349.1	1.000	NA	\$25,000	NA	\$25,000
48 USC 8702(f)	MERCHANT MARINERS DOCUMENTS	NA	\$500	399.3 / 327.8	1.187	NA	\$593	NA	\$593
48 USC 8906	CREW REQUIREMENTS	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8908(a)	SMALL VESSEL MANNING	NA	\$1,000	399.3 / 298.1	1.305	NA	\$1,305	NA	\$1,305
48 USC 8908(b)	PILOTAGE: GREAT LAKES	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 8908(c)	PILOTAGE: GREAT LAKES	NA	\$10,000	399.3 / 399.1	1.000	NA	\$10,000	NA	\$10,000
48 USC 10104(b)	FAILURE TO REPORT SEXUAL OFFENSE	NA	\$5,000	399.3 / 371.7	1.047	NA	\$5,224	NA	\$5,224
48 USC 10307	POSTING TO AGREEMENTS	NA	\$100	399.3 / 298.1	1.305	NA	\$131	NA	\$131
48 USC 10309(b)	FOREIGN ENGAGEMENTS BY SEAMEN	NA	\$100	399.3 / 298.1	1.305	NA	\$131	NA	\$131
48 USC 10309(c)	REPLACEMENT OF LOST/DERESERTED SEAMEN	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 10310	DISCHARGE OF SEAMEN	NA	\$50	399.3 / 298.1	1.305	NA	\$65	NA	\$65
48 USC 10312(c)	FOREIGN/INTERCOASTAL VOYAGES	NA	\$100	399.3 / 298.1	1.305	NA	\$131	NA	\$131
48 USC 10314(b)(2)	PAY ADVANCES TO SEAMEN	NA	\$500	399.3 / 298.1	1.305	NA	\$653	NA	\$653
48 USC 10315(c)	ALLOTMENTS TO SEAMEN	NA	\$500	399.3 / 298.1	1.305	NA	\$653	NA	\$653
48 USC 10321	SEAMEN PROTECTION GENERAL	NA	\$500	399.3 / 298.1	1.305	NA	\$653	NA	\$653
48 USC 10505(e)	SEAMEN PROTECTION GENERAL	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 10508(e)	EFFECTS OF DECEASED SEAMEN	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 10711	COMPLAINTS OF UNFITNESS	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 10805(c)	PROCEEDINGS ON EXAMINATION OF VESSEL	NA	\$500	399.3 / 298.1	1.305	NA	\$653	NA	\$653
48 USC 10902(a)(2)	PERMISSION TO MAKE COMPLAINT	NA	\$500	399.3 / 298.1	1.305	NA	\$653	NA	\$653
48 USC 10907(b)	ACCOMMODATIONS FOR SEAMEN	NA	\$500	399.3 / 298.1	1.305	NA	\$653	NA	\$653
48 USC 11010(f)	MEDICINE CHESTS ON VESSELS	NA	\$500	399.3 / 322.3	1.207	NA	\$604	NA	\$604
48 USC 1102(b)	DESTITUTE SEAMEN	NA	\$100	399.3 / 298.1	1.305	NA	\$131	NA	\$131
48 USC 1102(c)	WAGES ON DISCHARGE	NA	\$100	399.3 / 298.1	1.305	NA	\$131	NA	\$131
48 USC 1105(c)	MERCHANT SEAMEN PROTECTION AND RELIEF	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 11303(b)	MERCHANT SEAMEN PROTECTION AND RELIEF	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 11303(c)	MERCHANT SEAMEN PROTECTION AND RELIEF	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 11303(d)	LOG BOOKS	NA	\$150	399.3 / 298.1	1.305	NA	\$196	NA	\$196
48 USC 11303(e)	LOG BOOKS	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 11303(f)	LOG BOOKS	NA	\$200	399.3 / 298.1	1.305	NA	\$261	NA	\$261
48 USC 11506	CARRYING SHEATH KNIVES	NA	\$50	399.3 / 298.1	1.305	NA	\$65	NA	\$65
48 USC 12122(a)	IDENTIFICATION OF VESSELS	NA	\$500	399.3 / 327.8	1.187	NA	\$593	NA	\$593

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2--CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
		3/1/91	AS OF				3/1/91	AS OF	FL 101-410	FL 101-410		
48 USC 12309(b)	NUMBERING OF UNDOCUMENTED VESSELS	NA	\$1,000	NA	\$1,000	389.1 / 353.5	NA	\$1,305	NA	\$1,305	NA	\$1,000
48 USC 12507(b)	VESSEL IDENTIFICATION SYSTEM	NA	\$10,000	NA	\$10,000	389.1 / 353.5	NA	\$11,007	NA	\$11,007	NA	\$10,000
48 USC 14701	MEASUREMENT OF VESSELS	NA	\$20,000	NA	\$20,000	389.1 / 327.9	NA	\$23,793	NA	\$23,793	NA	\$25,000
48 USC 14701	REGISTRY/RECORDING: TONNAGE	NA	\$20,000	NA	\$20,000	389.1 / 327.9	NA	\$23,793	NA	\$23,793	NA	\$25,000
48 USC 14702	MEASUREMENTS/FALSE STATEMENTS	NA	\$20,000	NA	\$20,000	389.1 / 327.9	NA	\$23,793	NA	\$23,793	NA	\$25,000
48 USC 1809(a)(1)	HAZARDOUS MATERIALS - RELATING TO VESSELS	NA	\$10,000	NA	\$10,000	389.1 / 353.5	NA	\$12,228	NA	\$12,228	NA	\$25,000
U.S. DEPT. OF TRANSPORTATION												
FEDERAL AVIATION ADMINISTRATION												
49 APP. USC 1471(a)	VIOLATIONS/FEDERAL AVIATION ACT OF 1958	NA	\$1,000	NA	\$1,000	389.1 / 353.5	NA	\$1,101	NA	\$1,101	NA	\$1,000
49 APP. USC 1471(b)	IMPROPER AIRCRAFT OPERATION FOR HIRE	NA	\$10,000	NA	\$10,000	389.1 / 340.7	NA	\$11,441	NA	\$11,441	NA	\$10,000
49 APP. USC 1809(a)	VIOLATION OF HAZARDOUS MAT. REGS. OR TRANSPORT	\$250	\$25,000	\$250	\$25,000	389.1 / 369.1	\$250	\$25,000	\$250	\$25,000	\$300	\$25,000
U.S. DEPT. OF TRANSPORTATION												
FEDERAL HIGHWAY ADMINISTRATION												
49 USC APP. 521(b)(2)(A)	FEDERAL MOTOR CARRIER SAFETY REGULATIONS ACT --VIOLATIONS	NA	\$500	NA	\$500	389.1 / 310.7	NA	\$626	NA	\$626	NA	\$500
	--VIOLATIONS/SERIOUS PATTERN OF ABUSE	NA	\$2,500	NA	\$2,500	389.1 / 310.7	NA	\$3,131	NA	\$3,131	NA	\$3,000
	--SERIOUS HEALTH OR SAFETY VIOLATION	NA	\$10,000	NA	\$10,000	389.1 / 310.7	NA	\$12,523	NA	\$12,523	NA	\$15,000
	--EMPLOYEE W/NEGLIGENT ACTIONS	NA	\$1,000	NA	\$1,000	389.1 / 310.7	NA	\$1,252	NA	\$1,252	NA	\$1,000
49 USC APP. 521(b)(2)(B)	VIOLATIONS/COMMERCIAL DRIVERS LICENSE STANDARDS	NA	\$1,000	NA	\$1,000	389.1 / 310.7	NA	\$1,252	NA	\$1,252	NA	\$1,000
49 USC APP. 1809(a)	VIOLATION OF HAZARDOUS MAT. REGS. OR TRANSPORT	NA	\$2,500	NA	\$2,500	389.1 / 327.9	NA	\$2,967	NA	\$2,967	NA	\$3,000
49 USC APP. 10927 NOTE	MOTOR CARRIER FAILURE TO MAINTAIN FIN. RESPONSIBILITY	\$250	\$25,000	\$250	\$25,000	389.1 / 399.1	\$250	\$25,000	\$250	\$25,000	\$300	\$25,000
U.S. DEPT. OF TRANSPORTATION												
FEDERAL RAILROAD ADMINISTRATION												
45 USC 13	RAILROAD SAFETY VIOLATIONS	\$250	\$10,000	\$250	\$10,000	389.1 / 353.5	\$250	\$11,007	\$250	\$11,007	\$300	\$10,000
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	NA	\$20,000	389.1 / 353.5	NA	\$22,014	NA	\$22,014	NA	\$20,000
45 USC 34	VIOLATIONS INVOLVING UNSAFE OPERATION, INSPECTIONS, REQ. REPORTS	\$250	\$10,000	\$250	\$10,000	389.1 / 353.5	\$250	\$11,007	\$250	\$11,007	\$300	\$10,000
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	NA	\$20,000	389.1 / 353.5	NA	\$22,014	NA	\$22,014	NA	\$20,000
45 USC 43	REPORTING VIOLATIONS	\$250	\$10,000	\$250	\$10,000	389.1 / 353.5	\$250	\$11,007	\$250	\$11,007	\$300	\$10,000
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	NA	\$20,000	389.1 / 353.5	NA	\$22,014	NA	\$22,014	NA	\$20,000
45 USC 64a	VIOLATIONS INVOLVING WORK HOURS	NA	\$1,000	NA	\$1,000	389.1 / 353.5	NA	\$1,101	NA	\$1,101	NA	\$1,000
45 USC 433	VIOLATIONS INVOLVING SAFETY RULES	\$250	\$10,000	\$250	\$10,000	389.1 / 353.5	\$250	\$11,007	\$250	\$11,007	\$300	\$10,000
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	NA	\$20,000	389.1 / 353.5	NA	\$22,014	NA	\$22,014	NA	\$20,000
49 APP. USC 26	VIOLATION INVOLVING SAFETY APPLIANCES, METHODS, SYSTEMS	\$250	\$10,000	\$250	\$10,000	389.1 / 353.5	\$250	\$11,007	\$250	\$11,007	\$300	\$10,000
	--VIOLATIONS WITH WILLFUL INTENT	NA	\$20,000	NA	\$20,000	389.1 / 353.5	NA	\$22,014	NA	\$22,014	NA	\$20,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1989 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
<b>U.S. DEPT. OF TRANSPORTATION</b>									
<b>MARITIME ADMINISTRATION</b>									
46 APP. USC 1122a	FAILURE TO REPORT POSITION	NA	\$50	389.17/81.4	4.780	NA	\$239	NA	\$200
46 USC 31309	IMPROPER VESSEL TRANSFER	NA	\$10,000	389.17/389.1	1.000	NA	\$10,000	NA	\$10,000
<b>U.S. DEPT. OF TRANSPORTATION</b>									
<b>NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION</b>									
15 USC 1398(a)	VIOLATIONS OF MOTOR VEHICLE SAFETY ACT —RELATED SERIES OF VIOLATIONS	NA	\$1,000	389.17/87.1	4.007	NA	\$4,007	NA	\$4,000
15 USC 1917(a)	NON-COMPLIANCE/BUMPER STANDARDS —RELATED SERIES OF VIOLATIONS	NA	\$800,000	389.17/146.9	2.649	NA	\$2,119,993	NA	\$2,125,000
15 USC 1948(a)	FAILURE TO PROVIDE CONSUMER INFORMATION —RELATED SERIES OF VIOLATIONS	NA	\$800,000	389.17/125.0	3.113	NA	\$2,480,240	NA	\$2,500,000
15 USC 1990b(e)	ODOMETER VIOLATIONS —RELATED SERIES OF VIOLATIONS	NA	\$1,000	389.17/126.0	3.113	NA	\$3,113	NA	\$3,000
15 USC 2008(b)(1)	VIOLATIONS/AVG. FUEL ECONOMY STANDARDS	NA	\$400,000	389.17/126.0	3.113	NA	\$1,245,120	NA	\$1,250,000
15 USC 2028(a)(1)	VIOLATIONS/VEHICLE THEFT PREVENTION STNDS.	NA	\$2,000	389.17/176.1	1.187	NA	\$2,373	NA	\$2,000
15 USC 2028(a)(4)	MULTIPLE VIOLATIONS/VEHICLE THEFT PREVENTION STNDS.	NA	\$5	389.17/100.8	2.423	NA	\$12	NA	\$10
U.S. DEPT. OF TRANSPORTATION OFFICE OF THE SECRETARY		NA	\$1,000	389.17/310.7	1.282	NA	\$1,282	NA	\$1,000
49 USC APP. 1471(g)(1)	VIOLATIONS/TITLE 4 OF FED. AVIATION ACT	NA	\$250,000	389.17/310.7	1.282	NA	\$319,093	NA	\$325,000
<b>U.S. DEPT. OF TRANSPORTATION</b>									
<b>RESEARCH AND SPECIAL PROJECTS ADMINISTRATION</b>									
49 USC 1679	NATURAL GAS PIPELINE SAFETY	NA	\$10,000	389.17/353.5	1.101	NA	\$11,007	NA	\$10,000
49 USC 1909	HAZARDOUS MATERIALS TRANSPORTATION SAFETY	\$250	\$25,000	389.17/389.1	1.000	\$250	\$25,000	\$300	\$25,000
49 USC 2007	HAZARDOUS LIQUID PIPELINE SAFETY	NA	\$10,000	389.17/353.5	1.101	NA	\$11,007	NA	\$10,000
<b>U.S. DEPT. OF TRANSPORTATION</b>									
<b>ST. LAWRENCE SEAWAY DEVELOPMENT CORP.</b>									
33 USC 1232	SEAWAY REGULATIONS	NA	\$25,000	389.17/389.1	1.000	NA	\$25,000	NA	\$25,000
<b>U.S. DEPT. OF THE TREASURY</b>									
<b>BUREAU OF ALCOHOL TOBACCO AND FIREARMS</b>									
26 USC 5134(e)(2)	NON-COMPLIANCE-SUBCHAPT. F-DRAWBACK REQS.	NA	\$1,000	389.17/310.7	1.282	NA	\$1,282	NA	\$1,000
26 USC 5781(a)	NON-COMPLIANCE- CHAPTER 62 - TOBACCO	NA	\$1,000	389.17/41.4	9.389	NA	\$9,389	NA	\$9,000

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/91	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		
						AFTER RAW INFLATION ADJUSTMENT	AFTER ROUNDING	AFTER RAW INFLATION ADJUSTMENT	AFTER ROUNDING	
28 USC 7268	POSSESSION OF GOODS WITH FRAUDULENT INTENT TO EVADE TAX	NA	\$500	389.11327.9	4.822	NA	\$2,411	NA	\$2,000	
28 USC 7271	STAMP PENALTIES	NA	\$50	389.11181.8	2.140	NA	\$107	NA	\$100	
28 USC 7304	FRAUDULENTLY CLAIMING A DRAWBACK	NA	\$500	389.11181.8	2.140	NA	\$1,070	NA	\$1,000	
28 USC 7342	REFUSAL TO PERMIT GOVT EMPLOYEE TO ENTER OR EXAMINE	NA	500	389.1180.7	4.822	NA	\$2,411	NA	\$2,000	
27 USC 218	NON-COMPLIANCE-ALCOHOLIC BEV. LABELING	NA	\$10,000	389.11383.6	1.101	NA	\$11,007	NA	\$10,000	
U.S. DEPT. OF THE TREASURY										
U.S. CUSTOMS SERVICE										
19 USC 282	FAILURE TO COMPLY WITH PROVISIONS OR REQUIREMENTS	NA	\$20	389.1129.3	13.280	NA	\$266	NA	\$300	
19 USC 489	DEALING IN OR USING EMPTY STAMPED IMPORTED LIQUOR CONTAINERS	NA	\$200	389.1129.3	19.280	NA	\$2,656	NA	\$3,000	
19 USC 1438(d)	FORGED, ALTERED, OR INCOMPLETE MANIFEST OR DOCUMENT	NA	\$5,000	389.11327.9	1.187	NA	\$5,933	NA	\$5,000	
	FORGED, ALTERED, OR INCOMPLETE MANIFEST OR DOCUMENT	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1439	FAILURE TO DELIVER OR CORRECT MANIFEST	NA	\$500	389.1150.4	7.720	NA	\$3,860	NA	\$4,000	
19 USC 1440	FAILURE TO CORRECT MANIFEST	NA	\$500	389.1150.4	7.720	NA	\$3,860	NA	\$4,000	
19 USC 1445	FAILURE TO HAVE PERMIT TO VISIT ANOTHER PORT/DISTRICT	NA	\$500	389.1150.4	7.720	NA	\$3,860	NA	\$4,000	
19 USC 1454	UNLOADING PASSENGERS WITHOUT PERMIT	NA	\$1,000	389.11327.9	1.187	NA	\$1,187	NA	\$1,000	
19 USC 1455	UNLOADING PASSENGERS WITHOUT PERMIT	NA	\$500	389.11327.9	1.187	NA	\$583	NA	\$600	
19 USC 1459	OBSTRUCTION OR HINDRANCE OF CUSTOMS OFFICER	NA	\$5,000	389.1150.4	7.720	NA	\$3,860	NA	\$4,000	
	FAILURE OF INDIVIDUALS TO REPORT ARRIVAL TO CUSTOMS	NA	\$5,000	389.11327.9	1.187	NA	\$5,933	NA	\$5,000	
	FAILURE OF INDIVIDUALS TO REPORT ARRIVAL TO CUSTOMS	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1508	FAILURE TO RETAIN RECORDS OF EXPORTS TO CANADA	NA	\$10,000	389.1150.4	1.101	NA	\$11,007	NA	\$10,000	
19 USC 1581(c)	PRESENTATION BY VESSEL MASTER OF FORGED, ALTERED, FALSE DOCUMENT	\$500	\$5,000	389.1150.4	7.720	\$3,860	\$38,601	\$4,000	\$40,000	
19 USC 1581(d)	FAILURE OF A VESSEL OR VEHICLE TO STOP WHEN DIRECTED	\$1,000	\$10,000	389.11327.9	1.187	\$7,720	\$38,601	\$8,000	\$40,000	
19 USC 1584	FALSE OR NO MANIFEST	NA	\$5,000	389.1150.4	1.187	\$1,187	\$11,866	\$1,000	\$10,000	
19 USC 1585	DEPARTURE OF VESSEL W/O MAKING RPT OR ENTRY	NA	\$5,000	389.11327.9	1.187	NA	\$5,933	NA	\$5,000	
	DEPARTURE OF VESSEL W/O MAKING RPT OR ENTRY	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1588(a)	UNLOADING BEFORE VESSEL COMES TO PROPER PLACE	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1588(b)	TRANSSHIPMENT OF PROHIBITED MERCHANDISE FOR PURPOSES OF ILLEGAL ENTRY	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1588(c)	TRANSSHIPMENT OF PROHIBITED MERCHANDISE TO U.S. VESSEL	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1588(d)	MASTER RECEIVES UNLAWFULLY TRANSSHIPPED MERCHANDISE	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1587(e)	REFUSAL BY VESSEL MASTER TO COMPLY WITH DIRECTIONS OF CUSTOMS OFFICER OR ANS	\$500	\$5,000	389.11411.1	9.487	\$4,734	\$47,336	\$5,000	\$45,000	
19 USC 1590	USE OF AIRCRAFT TO INTRODUCE MERCHANDISE	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	
19 USC 1599	CUSTOMS OFFICER OWNERSHIP OR INTEREST IN VESSEL, CARGO, OR IMPORT MERCHANDISE	NA	\$500	389.11195.3	1.962	NA	\$396	NA	\$1,000	
19 USC 1627(a)(1)	IMPORT/EXPORT VEHICLE	NA	\$10,000	389.11310.7	1.252	NA	\$12,623	NA	\$15,000	
19 USC 1627(a)(6)	VIOLATION OF REGULATIONS	NA	\$500	389.11310.7	1.252	NA	\$626	NA	\$900	
19 USC 1641(b)(9)	CONDUCTING CUSTOMS BUSINESS W/O A LICENSE	NA	\$10,000	389.11327.9	1.187	NA	\$11,866	NA	\$10,000	

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
19 USC 1641(c)(2)(A)	CUSTOMS BROKER PENALTIES	NA	\$30,000	389.1 / 327.9	1.187	NA	\$35,599	NA	\$35,000	
19 USC 1708(e)	LADING VESSEL IN FOREIGN PORT WITH LIQUOR FOR IMPORTATION	NA	\$1,000	389.1 / 41.1	9.467	NA	\$9,467	NA	\$9,000	
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	\$1,000	\$5,000	389.1 / 41.1	9.467	\$9,467	\$47,336	\$9,000	\$45,000	
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	\$500	\$1,000	389.1 / 41.1	9.467	\$9,467	\$4,734	\$5,000	\$9,000	
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	NA	\$1,000	389.1 / 41.1	9.467	\$9,467	\$9,467	NA	\$9,000	
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	NA	\$50	389.1 / 41.1	9.467	NA	\$473	NA	\$500	
46 USC 91	VESSEL/AIRCRAFT DEPARTURE	NA	\$100	389.1 / 41.1	9.467	NA	\$947	NA	\$900	
46 USC 289	COASTWISE TRANSPORT PASSENGER	NA	\$200	389.1 / 29.3	13.280	NA	\$2,656	NA	\$3,000	
49 USC APP. 1474	VIOLATION BY AIRCRAFT OPERATORS OF ANY REGS IN PART 122	NA	\$5,000							
<b>U.S. DEPT. OF THE TREASURY</b>										
<b>DEPARTMENTAL OFFICES/OFFICE OF ENFORCEMENT</b>										
12 USC 1829b & 1951-1959, &	NEGLECT RECORDKEEPING AND REPORTING	NA	\$500	389.1 / 327.9	1.187	NA	\$593	NA	\$600	
31 USC 5311, 5326, 5321										
12 USC 1829b, 1951-1959 &	FAILURE TO MAINTAIN FINANCIAL RECORDS	NA	\$10,000	389.1 / 353.5	1.101	NA	\$11,007	NA	\$10,000	
31 USC 5311, 5326, 5321										
31 USC 5313 & 5321	FAILURE TO FILE CURRENCY TRANSACTION REPORT	\$25,000	\$100,000	389.1 / 327.9	1.187	\$29,666	\$118,664	\$30,000	\$120,000	
31 USC 5314 & 5321	FAIL TO MAINTAIN FOREIGN ACCOUNT RECORDS	\$25,000	\$100,000	389.1 / 327.9	1.187	\$29,666	\$118,664	\$30,000	\$120,000	
31 USC 5314 & 5321	FAILURE TO FILE FOREIGN BANK ACCOUNT REP	\$25,000	\$100,000	389.1 / 327.9	1.187	\$29,666	\$118,664	\$30,000	\$120,000	
<b>U.S. DEPT. OF THE TREASURY</b>										
<b>INTERNAL REVENUE SERVICE</b>										
26 USC 6652(a)	FAILURE TO FILE INFO RETURN ON LESS THAN \$10	\$1	\$1,000	389.1 / 327.9	1.187	\$1	\$1,187	\$0	\$1,000	
26 USC 6652(c)(1)(A)	FAILURE TO FILE RETURN BY EXEMPT ORGANIZATION	\$10	\$5,000	389.1 / 340.1	1.144	\$11	\$5,720	\$10	\$6,000	
26 USC 6652(c)(1)(B)	FAILURE TO FILE RETURN BY MGR OF EXEMPT ORGAN	\$10	\$5,000	389.1 / 340.1	1.144	\$11	\$5,720	\$10	\$6,000	
26 USC 6652(c)(1)(C)	FAILURE TO ALLOW PUBLIC INSPECTION OF EXEMPT ORG RTN	\$10	\$5,000	389.1 / 340.1	1.144	\$11	\$5,720	\$10	\$6,000	
26 USC 6652(c)(1)(D)	FAILURE TO ALLOW PUBLIC INSPECTION OF APPL FOR EXEMPTION	NA	\$10	389.1 / 108.7	3.547	NA	\$35	NA	\$40	
26 USC 6652(c)(2)(A)	FAILURE TO FILE RETURN BY EXEMPT ORG OR TRUST	\$10	\$5,000	389.1 / 340.1	1.144	\$11	\$5,720	\$10	\$6,000	
26 USC 6652(c)(2)(B)	FAILURE TO FILE RETURN BY MGR OF EXEMPT ORG OR TRUST	\$10	\$5,000	389.1 / 340.1	1.144	\$11	\$5,720	\$10	\$6,000	
26 USC 6652(c)(1)	FAILURE TO REGISTER EMPLOYEE PLAN	\$1	\$5,000	389.1 / 327.9	1.187	\$1	\$5,933	\$0	\$6,000	
26 USC 6652(c)(2)	FAILURE TO NOTIFY OF CHANGE IN PLAN STATUS	\$1	\$1,000	389.1 / 327.9	1.187	\$1	\$1,187	\$0	\$1,000	
26 USC 6652(a)	FAILURE TO FILE INFO ON EMPLOYEE PLAN	\$25	\$15,000	389.1 / 327.9	1.187	\$30	\$17,800	\$30	\$20,000	
26 USC 6652(b)	FAILURE TO FILE RTN OF FOREIGN INVESTMENT IN U.S. REALTY	\$25	\$25,000	389.1 / 327.9	1.187	\$30	\$29,666	\$30	\$30,000	
26 USC 6652(d)	FAILURE TO FILE INFO ON EMPLOYEE CONTRIBUTIONS	\$25	\$10,000	389.1 / 327.9	1.187	\$30	\$11,896	\$30	\$10,000	
26 USC 6652(f)	FAILURE TO NOTIFY RECIPIENTS OF PLAN DISTRIBUTIONS	\$10	\$5,000	389.1 / 327.9	1.187	\$12	\$5,933	\$10	\$6,000	
26 USC 6652(g)	FAILURE TO NOTIFY RECIPIENTS OF ROLLOVER DISTRIBUTIONS	\$10	\$5,000	389.1 / 327.9	1.187	\$12	\$5,933	\$10	\$6,000	
26 USC 6652(i)	FAILURE TO FILE RESIDENTIAL RENTAL PROPERTY CERTIFICATE	NA	\$100	389.1 / 327.9	1.187	NA	\$119	NA	\$100	

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EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		INFLATION FACTOR	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER PL 101-410 ROUNDING		MAXIMUM PENALTY AMOUNT AFTER PL 101-410 ROUNDING	
		AS OF 3/1/81	AS OF 3/1/81	AS OF 3/1/81	AS OF 3/1/81		\$500	\$10,000	\$500	\$10,000		\$500	\$10,000	\$500	\$10,000
26 USC 6652(k)	FAILURE TO FILE MISCELLANEOUS CORP RETURNS	\$500	NA	\$100,000	\$15	386.1 / 371.7	1.000	\$500	NA	\$100,000	\$16	NA	\$500	NA	\$20
26 USC 6657	PAYMENT OF TAX WITH BAD CHECK (IF CHECK AMOUNT < \$750)	NA	NA	NA	\$15	386.1 / 371.7	1.047	NA	NA	\$16	NA	NA	NA	NA	\$20
26 USC 6673(a)	FRIVOLOUS SUIT BEFORE TAX COURT	NA	NA	\$25,000	NA	386.1 / 371.7	1.047	NA	NA	\$26,170	NA	NA	NA	NA	\$25,000
26 USC 6673(b)	FRIVOLOUS SUIT BEFORE OTHER COURTS	NA	NA	\$10,000	NA	386.1 / 371.7	1.047	NA	NA	\$10,468	NA	NA	NA	NA	\$10,000
26 USC 6674	FURNISHING FALSE WAGE WITHHOLDING CERTIFICATE	NA	NA	\$50	NA	386.1 / 347.7	4.109	NA	NA	\$205	NA	NA	NA	NA	\$200
26 USC 6675	EXCESSIVE CLAIMS RE USE OF FUELS	NA	NA	\$10	NA	386.1 / 80.7	4.822	NA	NA	\$48	NA	NA	NA	NA	\$50
26 USC 6677	FAILURE TO FILE RETURN FOR FOREIGN TRUST	NA	NA	\$1,000	NA	386.1 / 160.8	2.423	NA	NA	\$2,423	NA	NA	NA	NA	\$2,000
26 USC 6679	FAILURE TO FILE RETURN FOR FOREIGN CORP OR PARTNERSHIP	NA	NA	\$1,000	NA	386.1 / 290.8	1.339	NA	NA	\$1,339	NA	NA	NA	NA	\$1,000
26 USC 6682	FALSE WITHHOLDING CERTIFICATE: BACKUP OR OTHER WITHHOLDING (NON-WAGE)	NA	NA	\$500	NA	386.1 / 298.1	1.305	NA	NA	\$653	NA	NA	NA	NA	\$700
26 USC 6685	WILLFUL FAILURE TO ALLOW PUBLIC INSPECTION OF EXEMPT ORG RTN	NA	NA	\$1,000	NA	386.1 / 327.9	1.187	NA	NA	\$1,187	NA	NA	NA	NA	\$1,000
26 USC 6686	FAILURE SUPPLY INFO BY DISC OR FSC	\$100	NA	\$25,000	NA	386.1 / 310.7	1.252	\$125	\$31,308	\$100	\$30,000	NA	NA	\$30,000	
26 USC 6688	FAILURE TO FILE RETURN BY DISC OR FSC	NA	NA	\$1,000	NA	386.1 / 310.7	1.252	NA	NA	\$1,252	NA	NA	NA	NA	\$1,000
26 USC 6689	FAILURE TO FURNISH INFO RE U.S. POSSESSIONS	NA	NA	\$50	NA	386.1 / 146.8	2.649	NA	NA	\$132	NA	NA	NA	NA	\$100
26 USC 6692	FRAUDULENT STATEMENT TO EMPLOYEE PLAN PARTICIPANT	NA	NA	\$1,000	NA	386.1 / 146.8	2.649	NA	NA	\$2,649	NA	NA	NA	NA	\$3,000
26 USC 6693(a)	FAILURE TO FILE ACTUARIAL REPORT	NA	NA	\$50	NA	386.1 / 352.5	1.101	NA	NA	\$55	NA	NA	NA	NA	\$50
26 USC 6693(b)	FAILURE TO FILE IRA REPORT	NA	NA	\$100	NA	386.1 / 253.1	1.101	NA	NA	\$110	NA	NA	NA	NA	\$100
26 USC 6693(c)(1)	OVERSTATED NON-DEDUCTIBLE IRA CONTRIBUTIONS	NA	NA	\$50	NA	386.1 / 353.1	1.101	NA	NA	\$55	NA	NA	NA	NA	\$50
26 USC 6693(c)(2)	FAILURE TO FILE FORMS FOR IRA	NA	NA	\$250	NA	386.1 / 371.7	1.047	NA	NA	\$262	NA	NA	NA	NA	\$200
26 USC 6694(a)	PREPARER UNDERSTATEMENT DUE TO UNREALISTIC POSITION	NA	NA	\$1,000	NA	386.1 / 371.7	1.047	NA	NA	\$1,047	NA	NA	NA	NA	\$1,000
26 USC 6694(b)	PREPARER WILLFUL UNDERSTATEMENT	NA	NA	\$50	NA	386.1 / 371.7	1.047	NA	NA	\$52	NA	NA	NA	NA	\$50
26 USC 6695(a)	PREPARER FAILURE TO FURNISH COPY OF RTN TO TAXPAYER	\$50	NA	\$25,000	NA	386.1 / 371.7	1.047	\$52	\$26,170	\$50	\$25,000	NA	NA	\$25,000	
26 USC 6695(b)	PREPARER FAILURE TO SIGN RETURN	\$50	NA	\$25,000	NA	386.1 / 371.7	1.047	\$52	\$26,170	\$50	\$25,000	NA	NA	\$25,000	
26 USC 6695(c)	PREPARER FAILURE TO FURNISH HIS ID NUMBER ON RTN	\$50	NA	\$25,000	NA	386.1 / 371.7	1.047	\$52	\$26,170	\$50	\$25,000	NA	NA	\$25,000	
26 USC 6695(d)	PREPARER FAILURE TO RETAIN COPY OF RETURN	\$50	NA	\$25,000	NA	386.1 / 371.7	1.047	\$52	\$26,170	\$50	\$25,000	NA	NA	\$25,000	
26 USC 6695(e)	PREPARER FAILURE TO FILE INFO RETURNS	\$50	NA	\$25,000	NA	386.1 / 371.7	1.047	\$52	\$26,170	\$50	\$25,000	NA	NA	\$25,000	
26 USC 6695(f)	PREPARER NEGOTIATION OF REFUND CHECK	NA	NA	\$500	NA	386.1 / 170.3	2.287	NA	NA	\$1,144	NA	NA	NA	\$1,000	
26 USC 6698	FAILURE TO FILE PARTNERSHIP RETURN	NA	NA	\$50	NA	386.1 / 196.3	1.962	NA	NA	\$100	NA	NA	NA	NA	\$100
26 USC 6700	PROMOTING ABUSIVE TAX SHELTERS	NA	NA	\$1,000	NA	386.1 / 371.7	1.047	NA	NA	\$1,047	NA	NA	NA	NA	\$1,000
26 USC 6701	AIDING AND ABETTING UNDERSTATEMENT OF TAX —IF A CORPORATION	NA	NA	\$1,000	NA	386.1 / 371.7	1.047	NA	NA	\$1,047	NA	NA	NA	NA	\$1,000
26 USC 6702	FILING FRIVOLOUS INCOME TAX RETURN	NA	NA	\$10,000	NA	386.1 / 371.7	1.047	NA	NA	\$10,468	NA	NA	NA	NA	\$10,000
26 USC 6704	FAILURE TO KEEP EMPLOYEE PLAN RECORDS	\$50	NA	\$50,000	NA	386.1 / 290.8	1.339	NA	NA	\$669	NA	NA	NA	NA	\$700
26 USC 6705	FAILURE BY BROKER TO PROVIDE NOTICE TO PAYORS	NA	NA	\$500	NA	386.1 / 296.1	1.305	NA	NA	\$653	NA	NA	NA	NA	\$700
26 USC 6706(a)	FAILURE TO PUT OID LEGEND ON DEBT INSTRUMENT	NA	NA	\$50	NA	386.1 / 310.7	1.252	NA	NA	\$63	NA	NA	NA	NA	\$50
26 USC 6706(b)	FAILURE TO FURNISH OID INFO TO SECRETARY	NA	NA	\$50,000	NA	386.1 / 310.7	1.252	NA	NA	\$62,617	NA	NA	NA	NA	\$65,000
26 USC 6707(a)	FAILURE TO REGISTER TAX SHELTER	NA	NA	\$500	NA	386.1 / 327.9	1.187	NA	NA	\$583	NA	NA	NA	NA	\$600
26 USC 6707(b)(1)	FAILURE OF SELLER TO FURNISH TAX SHELTER NUMBER TO INVESTOR	NA	NA	\$100	NA	386.1 / 327.9	1.187	NA	NA	\$119	NA	NA	NA	NA	\$100
26 USC 6707(b)(2)	FAILURE TO INCLUDE TAX SHELTER NUMBER ON RETURN	NA	NA	\$250	NA	386.1 / 327.9	1.187	NA	NA	\$297	NA	NA	NA	NA	\$300
26 USC 6708	FAILURE TO MAINTAIN LIST OF SHELTER INVESTORS	\$50	NA	\$100,000	NA	386.1 / 327.9	1.187	\$59	\$116,664	\$50	\$120,000	NA	NA	\$120,000	

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MAXIMUM PENALTY AMOUNT AFTER RAW INFLATION ADJUSTMENT		MINIMUM PENALTY AMOUNT AFTER ROUNDING		MAXIMUM PENALTY AMOUNT AFTER ROUNDING	
		AS OF 3/1/91	SET BY LAW AS OF 3/1/91			AS OF 3/1/91	AS OF 3/1/91	PL 101-410	PL 101-410	PL 101-410	PL 101-410		
28 USC 6706(a)	NEGLECT STATEMENT RE MORTGAGE CREDIT CERTIFICATE	NA	\$1,000	\$1,000	389.1 / 340.1	NA	\$1,144	NA	\$1,144	NA	NA	NA	\$1,000
28 USC 6706(b)	FRAUDULENT STATEMENT RE MORTGAGE CREDIT CERTIFICATE	NA	\$10,000	\$10,000	389.1 / 340.1	1.144	\$11,441	NA	\$11,441	NA	NA	NA	\$10,000
28 USC 6706(c)	FAILURE TO FILE MORTGAGE CREDIT REPORTS —IF ISSUER	NA	\$200	\$200	389.1 / 340.1	1.144	\$228	NA	\$228	NA	NA	NA	\$200
28 USC 6710	FAILURE BY ORG TO DISCLOSE THAT CONTRIBUTIONS ARE NOT DEDUCTIBLE	\$1,000	\$10,000	\$10,000	389.1 / 353.5	1.101	\$11,007	\$1,101	\$11,007	\$1,000	NA	NA	\$10,000
28 USC 6711	FAILURE BY EXEMPT ORG TO DISCLOSE THAT INFO IS AVAILABLE FROM GOVT	NA	\$1,000	\$1,000	389.1 / 353.5	1.101	\$1,101	NA	\$1,101	NA	NA	NA	\$1,000
28 USC 6712	FAILURE TO DISCLOSE TREATY-BASED RETURN POSITION —IF C CORPORATION	NA	\$1,000	\$1,000	389.1 / 353.5	1.101	\$1,101	NA	\$1,101	NA	NA	NA	\$1,000
28 USC 6713	DISCLOSURE OF INFO BY PREPARERS	\$250	\$10,000	\$10,000	389.1 / 353.5	1.101	\$275	\$275	\$11,007	\$300	NA	NA	\$10,000
28 USC 6721(a)	FAILURE TO FILE INFO RETURNS —IF CORRECT BEFORE AUG 1 —IF CORRECT WITHIN 30 DAYS —IF GROSS RECEIPTS NOT MORE THAN \$5,000,000 —IF CORRECT BEFORE AUG 1 —IF CORRECT WITHIN 90 DAYS	\$50	\$250,000	\$250,000	389.1 / 371.7	1.047	\$52	\$261,703	\$50	\$250,000	\$50	NA	\$250,000
28 USC 6722(c)	INTENTIONAL FAILURE TO FILE INFO RETURNS	\$30	\$150,000	\$150,000	389.1 / 371.7	1.047	\$31	\$157,022	\$30	\$150,000	\$30	NA	\$150,000
28 USC 6721(e)(2)	INTENTIONAL FAILURE TO FILE INFO RETURNS	\$15	\$75,000	\$75,000	389.1 / 371.7	1.047	\$16	\$76,511	\$15	\$75,000	\$20	NA	\$80,000
28 USC 6721(e)(2)(C)	INTENTIONAL FAILURE TO FILE CASH TRANSACTION REPORT	NA	\$25,000	\$25,000	389.1 / 349.1	1.000	NA	\$25,000	NA	\$25,000	NA	NA	\$25,000
28 USC 6725(a)	FAILURE TO FURNISH PAYEE STATEMENTS	\$50	\$100,000	\$100,000	389.1 / 396.1	1.000	\$50	\$100,000	\$50	\$100,000	\$50	NA	\$100,000
28 USC 6726	FAILURE TO COMPLY WITH OTHER INFO RPTING (INCL FAILURE TO SUPPLY SSN)	NA	\$100	\$100	389.1 / 371.7	1.047	NA	\$105	\$105	NA	NA	NA	\$100
28 USC 7269	POSSESSION OF GOODS WITH FRAUDULENT INTENT TO EVADE TAX	\$50	\$100,000	\$100,000	389.1 / 371.7	1.047	\$52	\$104,661	\$50	\$100,000	\$50	NA	\$100,000
28 USC 7271	FAILURE TO PRODUCE RECORDS	NA	\$500	\$500	389.1 / 371.7	4.822	NA	\$2,411	\$2,411	NA	NA	NA	\$2,000
28 USC 7272	FAILURE TO REGISTER	NA	\$50	\$50	389.1 / 181.8	2.140	NA	\$1,070	\$1,070	NA	NA	NA	\$1,000
28 USC 7273	FAILURE TO KEEP STAMPS RE PAYMENT OF SPECIAL TAX —IF WILLFUL	NA	\$10	\$10	389.1 / 181.8	2.140	NA	\$107	\$107	NA	NA	NA	\$100
28 USC 7304	FRAUDULENTLY CLAIMING A DRAWBACK	NA	\$20	\$20	389.1 / 181.8	4.822	NA	\$241	\$241	NA	NA	NA	\$200
28 USC 7342	REFUSAL TO PERMIT GOVT EMPLOYEE TO ENTER OR EXAMINE	NA	\$500	\$500	389.1 / 181.8	3.741	NA	\$37	\$37	NA	NA	NA	\$40
U.S. DEPT. OF THE TREASURY OFFICE OF THE COMPTROLLER OF THE CURRENCY		NA	\$20	\$20	389.1 / 104.3	3.741	NA	\$75	\$75	NA	NA	NA	\$70
12 USC 93(b)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-1ST TIER	NA	\$500	\$500	389.1 / 181.8	2.140	NA	\$1,070	\$1,070	NA	NA	NA	\$1,000
12 USC 93(b)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-2ND TIER	NA	500	500	389.1 / 181.8	4.822	NA	\$2,411	\$2,411	NA	NA	NA	\$2,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1990 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2--CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE CITATION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	MAXIMUM PENALTY AMOUNT SET BY LAW AS OF 3/1/81	INFLATION FACTOR CALCULATION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT	
					AFTER INFLATION ADJUSTMENT	AFTER RAW INFLATION ADJUSTMENT	AFTER INFLATION ADJUSTMENT	AFTER RAW INFLATION ADJUSTMENT
12 USC 806	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-3RD TIER	NA	\$1,050,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 164	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-1ST TIER	NA	\$2,000	389.1 / 371.7	NA	\$2,094	NA	\$2,000
12 USC 164	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-2ND TIER	NA	\$20,000	389.1 / 371.7	NA	\$20,938	NA	\$20,000
12 USC 164	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-3RD TIER	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 804	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-1ST TIER	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	\$5,000
12 USC 804	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-2ND TIER	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$25,000
12 USC 804	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-3RD TIER	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 805	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-1ST TIER	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	\$5,000
12 USC 805	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-2ND TIER	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$25,000
12 USC 805	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-3RD TIER	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 18170(k)(16)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-1ST TIER	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	\$5,000
12 USC 18170(k)(16)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-2ND TIER	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$25,000
12 USC 18170(k)(16)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-3RD TIER	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 18180(2)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-1ST TIER	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	\$5,000
12 USC 18180(2)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-2ND TIER	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$25,000
12 USC 18180(2)	VIOLATION-NAT'L BANK ACT-AMNDD BY FIRREA-3RD TIER	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 1932	BANKING LAW VIOLATION	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	\$5,000
12 USC 1972(F)	BANKING LAW VIOLATION-1ST TIER	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	\$5,000
12 USC 1972(F)	BANKING LAW VIOLATION-2ND TIER	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	\$25,000
12 USC 1972(F)	BANKING LAW VIOLATION-3RD TIER	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	\$1,050,000
12 USC 3902	BANKING LAW VIOLATION	NA	\$1,000	389.1 / 371.7	NA	\$1,047	NA	\$1,000
12 USC 780-2	SECURITIES LAW VIOLATION-1ST TIER (NATURAL PERSON)	NA	\$5,000	389.1 / 389.1	NA	\$5,000	NA	\$5,000
12 USC 780-2	SECURITIES LAW VIOLATION-1ST TIER (ANY OTHER)	NA	\$50,000	389.1 / 389.1	NA	\$50,000	NA	\$50,000
12 USC 780-2	SECURITIES LAW VIOLATION-2ND TIER (NATURAL PERSON)	NA	\$25,000	389.1 / 389.1	NA	\$25,000	NA	\$25,000
12 USC 780-2	SECURITIES LAW VIOLATION-2ND TIER (ANY OTHER)	NA	\$250,000	389.1 / 389.1	NA	\$250,000	NA	\$250,000
12 USC 780-2	SECURITIES LAW VIOLATION-3RD TIER (NATURAL PERSON)	NA	\$100,000	389.1 / 389.1	NA	\$100,000	NA	\$100,000
12 USC 780-2	SECURITIES LAW VIOLATION-3RD TIER (ANY OTHER)	NA	\$500,000	389.1 / 389.1	NA	\$500,000	NA	\$500,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

EXHIBIT 2—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. CODE SECTION	CIVIL MONETARY PENALTY DESCRIPTION	MINIMUM PENALTY AMOUNT		MAXIMUM PENALTY AMOUNT		INFLATION FACTOR	INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT	MAXIMUM PENALTY AMOUNT AFTER INFLATION ADJUSTMENT	MINIMUM PENALTY AMOUNT AFTER ROUNDING	MAXIMUM PENALTY AMOUNT AFTER ROUNDING
		3/1/81	3/1/81	3/1/81	3/1/81						
12 USC 1464(a) & 1467(a)	BANKING LAW VIOLATION - 1ST TIER	NA	\$2,000	NA	\$2,000	389.1 / 371.7	NA	\$2,004	NA	NA	\$2,000
12 USC 1464(a) & 1467(a)	BANKING LAW VIOLATION - 2ND TIER	NA	\$20,000	NA	\$20,000	389.1 / 371.7	NA	\$20,036	NA	NA	\$20,000
12 USC 1464(a) & 1467(a)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 1467(a)(3)	VIOLATIONS OF HOLDING COMPANY ACT	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	NA	\$5,000
12 USC 1467(d)	BANKING LAW VIOLATION	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	NA	\$5,000
12 USC 1817(b)(1)(A)	CHANGE IN CONTROL VIOLATION - 1ST TIER	NA	\$5,000	NA	\$5,000	13.280	NA	\$98,999	NA	NA	\$65,000
12 USC 1817(b)(1)(B)	CHANGE IN CONTROL VIOLATION - 2ND TIER	NA	\$25,000	NA	\$25,000	13.280	NA	\$331,997	NA	NA	\$225,000
12 USC 1817(b)(1)(C)	CHANGE IN CONTROL VIOLATION - 3RD TIER	NA	\$1,000,000	NA	\$1,000,000	13.280	NA	\$13,279,863	NA	NA	\$13,275,000
12 USC 1818(2)	BANKING LAW VIOLATION - 1ST TIER	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	NA	\$5,000
12 USC 1818(2)	BANKING LAW VIOLATION - 2ND TIER	NA	\$25,000	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	NA	\$25,000
12 USC 1818(2)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 1828(4)	BANKING LAW VIOLATION - 1ST TIER	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	NA	\$5,000
12 USC 1828(4)	BANKING LAW VIOLATION - 2ND TIER	NA	\$25,000	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	NA	\$25,000
12 USC 1828(4)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	NA	\$1,050,000
12 USC 3349(a)	BANKING LAW VIOLATION - 1ST TIER	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,234	NA	NA	\$5,000
12 USC 3349(b)	BANKING LAW VIOLATION - 2ND TIER	NA	\$25,000	NA	\$25,000	389.1 / 371.7	NA	\$26,170	NA	NA	\$25,000
12 USC 3349(b)	BANKING LAW VIOLATION - 3RD TIER	NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	NA	\$1,050,000
U.S. DEPT. OF VETERANS AFFAIRS											
31 USC 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,993	NA	NA	\$6,000
31 USC 3802(a)(2)	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT	NA	\$5,000	NA	\$5,000	389.1 / 371.7	NA	\$5,993	NA	NA	\$6,000
38 USC 1810(g)(9)(B)	FALSE HOUSING LOAN CERTIFICATION	NA	\$10,000	NA	\$10,000	389.1 / 371.7	NA	\$11,868	NA	NA	\$10,000
ADDITIONAL PENALTIES IDENTIFIED BY THE DEPARTMENT OF JUSTICE											
12 USC 1853a	FIRREA VIOLATION —CONTINUING VIOLATION	NA	\$1,000,000	NA	\$1,000,000	389.1 / 371.7	NA	\$1,046,812	NA	NA	\$1,050,000
15 USC 1194(e)	FLAMMABLE FABRICS ACT VIOLATION —RELATED SERIES OF VIOLATIONS	NA	\$5,000	NA	\$5,000	389.1 / 386.1	NA	\$5,000	NA	NA	\$5,000
22 USC 2399k(e)	FOREIGN ASSISTANCE ACT/FRAUDULENT CLAIM FOR ASSISTANCE	NA	\$2,000	NA	\$2,000	389.1 / 104.3	NA	\$7,483	NA	NA	\$7,000
40 USC 449(b)(1)	VIOLATION INVOLVING SURPLUS GOVERNMENT PROPERTY	NA	\$2,000	NA	\$2,000	389.1 / 71.5	NA	\$10,884	NA	NA	\$10,000
41 USC 65(a)(1)	VIOLATIONS INVOLVING KICKBACKS TO EMPLOYEES OR SUBCONTRACTORS	NA	\$10,000	NA	\$10,000	389.1 / 327.9	NA	\$11,868	NA	NA	\$10,000

NOTES: (1) THE "INFLATION FACTOR" IS THE RESULT OF DIVIDING THE JUNE 1980 CPI BY THE CPI FOR JUNE OF THE YEAR OF LAST ADJUSTMENT.

**Exhibit 3**

**Law Modifications Necessary to Enact Civil Monetary Penalty Inflation Adjustments**

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF AGRICULTURE**  
**Agricultural Marketing Service**

7 U.S.C. 499b(5)

Substitute "not to exceed \$5,000" for "not to exceed \$2,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 499c(a)

In first paragraph, substitute "not more than \$1,000 for each such offense and not more than \$200 for each day it continues" for "not more than \$500 for each such offense and not more than \$25 for each day it continues." In second paragraph, substitute "not in excess of \$200" for "not in excess of \$25." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 610(h)

Penalty is set by reference to 15 U.S.C. 50. Agriculture suggests the following law modification:

Insert immediately before the period at the end of the first sentence: "Provided, that the penalty for failure to file any annual or special report, as provided in the third unnumbered paragraph of section 10 of the Federal Trade Commission Act (38 Stat. 723) shall be \$1,000 for each and every day of continuance of such failure." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 1596(b)

Substitute "not less than \$100 or more than \$2,000" for "not less than \$25 or more than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 2112(b)

Substitute "not more than \$4,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 2621(b)

In paragraph (1), substitute "not less than \$700 or more than \$7,000" for "not less than \$500 or more than \$5,000." In paragraph (3) substitute "not more than \$700" for "not more than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 2714(b)

In paragraph (1), substitute "not less than \$800 or more than \$8,000" for "not less than \$500 or more than \$5,000." In paragraph (3), substitute "not more than \$800" for "not more than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

7 U.S.C. 2908(a)(2)

Substitute "not more than \$10,000" for "not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 3410(b)

Substitute "not more than \$2,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 4314(b)

In paragraph (1), substitute "not less than \$700 or more than \$7,000" for "not less than \$500 or more than \$5,000." In paragraph (3), substitute "not more than \$700" for "not more than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 4610(b)

In paragraph (1), substitute "not less than \$1,000 or more than \$6,000" for "not less than \$500 or more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 4815(b)(3)(A)

Substitute "not more than \$600" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 4910(b)

In paragraph (1), substitute "not less than \$600 or more than \$6,000" for "not less than \$500 or more than \$5,000." In paragraph (3), substitute "not more than \$600" for "not more than \$500." In paragraph (3), substitute "not more than \$600" for "not more than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

21 U.S.C. 1051

Penalty is set by reference to 15 U.S.C. 50. Agriculture suggests the following law modification:

Insert immediately before the period at the end of the first sentence: "Provided, that the penalty for failure to file any annual or special report, as provided in the third unnumbered paragraph of section 10 of the Federal Trade Commission Act (38 Stat. 723) shall be \$1,000 for each and every day of continuance of such failure." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF AGRICULTURE**  
**Animal & Plant Health Inspection Service**

**7 U.S.C. 1596(b)**

Substitute "not less than \$100 or more than \$2,000" for "not less than \$25 or more than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**7 U.S.C. 2149(b)**

In the first sentence, substitute "not more than \$3,000" for "not more than \$2,500." In the seventh sentence, substitute "\$2,000" for "\$1,500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

Substitute "not more than \$15,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**15 U.S.C. 1825(b)(1) and 1825(c)**

In subsection (b)(1), substitute "not more than \$5,000" for "not more than \$2,000." In the second of subsection (c), substitute "not more than \$7,000" for "not more than \$3,000." In the third sentence of subsection (c), substitute "not more than \$7,000" for "not more than \$3,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**DEPARTMENT OF AGRICULTURE**  
**Federal Grain Inspection Service**

**7 U.S.C. 86(c)**

Substitute "not to exceed \$170,000" for "not to exceed \$75,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF AGRICULTURE**  
**Food and Nutrition Service**

**7 U.S.C. 2021(a)**

Substitute "up to \$15,000" for "up to \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

DEPARTMENT OF AGRICULTURE  
Food Safety and Inspection Service

21 U.S.C. 467(d)

Penalty is set by reference to 15 U.S.C. 50. Agriculture suggests the following law modification:

Insert immediately before the period at the end of the first sentence: "Provided, that the penalty for failure to file any annual or special report, as provided in the third unnumbered paragraph of section 10 of the Federal Trade Commission Act (38 Stat. 723) shall be \$1,000 for each and every day of continuance of such failure." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

21 U.S.C. 677

Penalty is set by reference to 15 U.S.C. 50. Agriculture suggests the following law modification:

Insert immediately before the period at the end of the first sentence: "Provided, that the penalty for failure to file any annual or special report, as provided in the third unnumbered paragraph of section 10 of the Federal Trade Commission Act (38 Stat. 723) shall be \$1,000 for each and every day of continuance of such failure." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

DEPARTMENT OF AGRICULTURE  
Packers and Stockyards Administration

7 U.S.C. 193(b)

Substitute "not more than \$25,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 203

Substitute "not more than \$4,000 for each such offense and not more than \$200 for each day" for "not more than \$500 for each such offense and not more than \$25 for each day." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 207(g)

Substitute "not more than \$4,000 for each such offense and not more than \$200 for each day" for "not more than \$500 for each such offense and not more than \$25 for each day." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

7 U.S.C. 213(b)

Substitute "not more than \$25,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

7 U.S.C. 215(a)

Substitute "the sum of \$4,000" for "the sum of "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 222

Penalty is set by reference to 15 U.S.C. 50. Agriculture suggests the following law modification:

Insert immediately before the period at the end of the first sentence: "Provided, that the penalty for failure to file any annual or special report, as provided in the third unnumbered paragraph of section 10 of the Federal Trade Commission Act (38 Stat. 723) shall be \$1,000 for each and every day of continuance of such failure." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF AGRICULTURE**

All Bureaus

40 U.S.C. 328

Substitute "in the sum of \$40" for "in the sum of \$10." The modified civil penalty amount is applicable only to violations occurring on or after the date of enactment of the modified civil penalty amount.

**ALASKA NATURAL GAS TRANSPORTATION SYSTEM**

15 U.S.C. 719(a)(2)

Substitute "not to exceed \$55,000" for "not to exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF COMMERCE**

Bureau of Export Administration

50 U.S.C. Appendix Section 24.10(c)

Substitute "not to exceed \$20,000" for "not to exceed \$10,000;" substitute "not to exceed \$140,000" for "not to exceed \$100,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**DEPARTMENT OF COMMERCE**

Economic Development Administration

19 U.S.C. 2349

Substitute "not to exceed \$10,000" for "not to exceed \$5,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

42 U.S.C. 3220(a)

Substitute "not to exceed \$40,000" for "not to exceed \$10,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

42 U.S.C. 3220(b)

Substitute "not to exceed \$40,000" for "not to exceed \$10,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**DEPARTMENT OF COMMERCE**  
Economics and Statistics Administration

13 U.S.C. 304

Substitute "not to exceed \$400" for "not to exceed \$100" and "not more than \$4,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

13 U.S.C. 305

Substitute "not to exceed \$4,000" for "not to exceed \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF COMMERCE**  
Import Administration

19 U.S.C. 81s

Substitute "not to exceed \$10,000" for "not to exceed \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration

15 U.S.C. 4243(a)(3)

Substitute "not to exceed \$15,000" for "not to exceed \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 773f(a)

Substitute "shall not exceed \$35,000" for "shall not exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

16 U.S.C. 783

Substitute "not more than \$7,000" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 957

Substitute "not more than \$110,000" for "not more than \$25,000" and "not more than \$225,000" for "not more than \$50,000." Substitute "not more than \$4,000" for "not more than \$1,000" and "not more than \$20,000" for "not more than \$5,000." Substitute "not more than \$425,000" for "not more than \$100,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

16 U.S.C. 971e(1)

Substitute "not more than \$60,000" for "not more than \$25,000." Substitute "not more than \$120,000" for "not more than \$50,000." Substitute "not more than \$2,000" for "not more than \$1,000." Substitute "not more than \$10,000" for "not more than \$5,000." Substitute "not more than \$250,000" for "not more than \$100,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

16 U.S.C. 972f(b)

Substitute "not more than \$30,000" for "not more than \$25,000" and "not more than \$65,000" for "not more than \$50,000." Substitute "not more than \$6,000" for "not more than \$5,000." Substitute "not more than \$130,000" for "not more than \$100,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 1030(a)(1)

Substitute "shall not exceed \$50,000" for "shall not exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 1375(a)(1)

Substitute "not more than \$15,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 1462(a)

Substitute "shall not exceed \$40,000" for "shall not exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 2437(a)(1)

Substitute "shall not exceed \$6,000" for "shall not exceed \$5,000." Substitute "shall not exceed \$15,000" for "shall not exceed \$10,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

16 U.S.C. 3373(a)

Substitute "not more than \$15,000" for "not more than \$10,000," and "shall not exceed the maximum provided for violation of said law, treaty, or regulation, or \$15,000" for "shall not exceed the maximum provided for violations of said law, treaty, or regulation, or \$10,000." Substitute "not more than \$400" for "not more than \$250." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**COMMODITY FUTURES TRADING COMMISSION**

7 U.S.C. 9

Substitute "\$275,000" for "\$100,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

7 U.S.C. 13a

Substitute "\$275,000" for "\$100,000" the first time the latter amount appears. The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**CONSUMER PRODUCT SAFETY COMMISSION**

15 U.S.C. 45(1)

Substitute "not more than \$30,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount. Further, the modified civil penalty amount applies to any violation of the Federal Trade Commission Act that is enforced by the Consumer Product Safety Commission under the Flammable Fabrics Act, 15 U.S.C. §§ 1191 et seq.

15 U.S.C. 45(m)

Substitute "not more than \$30,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount. Further, the modified civil penalty amount applies to any violation of the Federal Trade Commission Act that is enforced by the Consumer Product Safety Commission under the Flammable Fabrics Act, 15 U.S.C. §§ 1191 et seq.

**DEPARTMENT OF DEFENSE**

10 U.S.C. 1094(c)(1)

Substitute "of not more than \$6,000" for "not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of the enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

10 U.S.C. 2397b

Substitute "an amount not to exceed \$300,000" for "an amount not to exceed \$250,000" in subsection (b)(1) of this section and substitute "an amount not to exceed \$600,000" for "an amount not to exceed \$500,000" in subsection (b)(2) of this section. These modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of the enactment of the modified civil penalty amounts.

31 U.S.C. 3721(i)

Substitute "not more than \$4,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of the enactment of the modified civil penalty amount.

**DEPARTMENT OF EDUCATION**

20 U.S.C. 1094(c)(2)(B)(i)

Substitute "in an amount not to exceed \$40,000" for "not to exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF ENERGY**

Federal Energy Regulatory Commission

15 U.S.C. 3414(b)(6)(A)(i) (1988)

Substitute "\$10,000 for any one violation" for "\$5,000 for any one violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 825n(a) (1988)

Substitute "shall forfeit to the United States an amount not exceeding \$9,000" for "shall forfeit to the United States an amount not exceeding \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 6(10) (1988)

Substitute "\$7,000 for each such offense ... and \$300 for each and every day of the continuance" for "\$500 for each such offense ... and \$25 for each and every day of the continuance." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**ENVIRONMENTAL PROTECTION AGENCY**

7 U.S.C. 136

Substitute "\$10,000" for "\$5,000". The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

15 U.S.C. 2801

Substitute "\$55,000" for "\$25,000". The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 300h-3(c)

Substitute "Maximum penalty of \$15,000 for each day in which such violation occurs, or, if willful, \$25,000 for each day in which such violation occurs" for "Maximum penalty of \$5,000 for each day in which such violation occurs, or, if willful, \$10,000 for each day in which such violation occurs." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 300j(e)(1)

Substitute "Maximum penalty of \$15,000" for "Maximum penalty of \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 300j(e)(2)

Substitute "Maximum penalty of \$7,000" for "Maximum penalty of \$2,500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 1431(c)

Substitute "Maximum penalty of \$15,000" for "Maximum penalty of \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6928(a)(3)

Substitute "shall not exceed \$30,000," for "shall not exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6928(c)

Substitute "may assess a civil penalty of not more than \$30,000," for "may assess a civil penalty of not more than \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6928(g)

Substitute "in an amount not to exceed \$55,000," for "in an amount not to exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

42 U.S.C. 6928(h)(2)

Substitute "in an amount not to exceed \$30,000," for "in an amount not to exceed \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6934(e)

Substitute "to assess a civil penalty of not to exceed \$10,000," for "to assess a civil penalty of not to exceed \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6973(b)

Substitute "be fined not more than \$10,000," for "be fined not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6991e(a)(3)

Substitute "liable for a civil penalty of not more than \$30,000," for "liable for a civil penalty of not more than \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6991e(d)(1)

Substitute "a civil penalty not to exceed \$15,000," for "a civil penalty not to exceed \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 6991e(d)(2)

Substitute "a civil penalty not to exceed \$15,000," for "a civil penalty not to exceed \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 7413(b)

Substitute "\$55,000" for "\$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

42 U.S.C. 2000e-10(b)

A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense occurring before the date of enactment of the modified civil penalty amount, or of not more than \$400 for each separate offense occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**FEDERAL COMMUNICATIONS COMMISSION**

47 U.S.C. 507

Section 506 of the Communications Act of 1934 is amended by deleting "\$500" in subparagraph (a) and inserting in lieu thereof "\$2,000;" and by deleting "\$100" in subparagraph (b) and inserting in lieu thereof "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

47 U.S.C. 554

Section 634(f)(2) of the Communications Act of 1934 is amended by deleting "\$200" and inserting in lieu thereof "\$300." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**FEDERAL DEPOSIT INSURANCE CORPORATION**

12 U.S.C. 1828(a)

Substitute "\$500" for "\$100." The modified civil money penalty is applicable only in the case of violations occurring on or after the date of enactment of this amendment.

12 U.S.C. 1828(h)

Substitute "\$500" for "\$100." The modified civil money penalty is applicable only in the case of violations occurring on or after the date of enactment of this amendment.

**FEDERAL MARITIME COMMISSION**

46 U.S.C. App. 814

Substitute "not more than \$3,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. App. 815

Substitute "not more than \$15,000" for "not more than \$5,000." Substitute "not more than \$45,000" for "not more than \$25,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date(s) of enactment of the modified civil penalty amounts.

46 U.S.C. App. 817d and e

Substitute "not more than \$20,000 in addition to a civil penalty to be assessed of \$800 for each passage sold" for "not more than \$5,000 in addition to a civil penalty to be assessed of \$200 for each passage sold." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

46 U.S.C. App. 820

Substitute "the sum of \$1,000" for "the sum of \$100." Substitute "not more than \$9,000" for "not more than \$5,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date(s) of enactment of the modified civil penalty amounts.

46 U.S.C. App. 831

Substitute "not to exceed \$15,000" for "not to exceed \$5,000." Substitute "not more than \$3,000" for "not more than \$1,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

46 U.S.C. App. 844

Substitute "not more than \$3,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. App. 1712

Substitute "may not exceed \$6,000" for "may not exceed \$5,000." Substitute "may not exceed \$30,000" for "may not exceed \$25,000." Substitute "not more than \$65,000" for "not more than \$50,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date(s) of enactment of the modified civil penalty amounts.

46 U.S.C. App. 1714

Substitute "not more than \$6,000" for "not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**FEDERAL TRADE COMMISSION**  
**Bureau of Competition**

15 U.S.C. 18a(g)(1)

Substitute "not more than \$25,000 for each day during which such person is in violation of this section" for "not more than \$10,000 for each day during which such person is in violation of this section." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 21(f)

Substitute "not more than \$20,000" for "not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

15 U.S.C. 45(l)

Substitute "a civil penalty of not more than \$30,000 for each violation" for "a civil penalty of not more than \$10,000 for each violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 50

Substitute "the sum of \$1,000" for "the sum of \$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**FEDERAL TRADE COMMISSION**  
**Bureau of Consumer Protection**

15 U.S.C. 45(l)

Substitute "a civil penalty of not more than \$30,000 for each violation" for "a civil penalty of not more than \$10,000 for each violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 45(m)(1)(A)

Substitute "a civil penalty of not more than \$25,000 for each violation" for "a civil penalty of not more than \$10,000 for each violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 45(m)(1)(B)

Substitute "a civil penalty of not more than \$25,000 for each violation" for "a civil penalty of not more than \$10,000 for each violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 50

Substitute "the sum of \$1,000" for "the sum of \$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 1691c(c)

[Because the civil penalty that can be assessed under this provision is simply the civil penalty that can be assessed under 15 U.S.C. § 45(m)(1)(A), *supra*, no change in this provision would be required.]

15 U.S.C. 1692(a)

[Because the civil penalty that can be assessed under this provision is simply the civil penalty that can be assessed under 15 U.S.C. § 45(m)(1)(A), *supra*, no change in this provision would be required. The "maximum penalty amount after inflation adjustment" specified for this provision differs from the "maximum penalty amount after inflation adjustment" specified for 15 U.S.C. § 45(m)(1)(A) because this provision did not become effective until 1978.]

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

21 U.S.C. 360pp(b)

Substitute "\$4,000" for "\$1,000" and substitute "\$1,125,000" for "\$300,000." The modified civil money penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil money penalty amount.

42 U.S.C. 1320a-7a(a)

Substitute "not more than \$3,000 for each item or service" for "not more than \$2,000 for each item or service." The modified civil money penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil money penalty amount.

42 U.S.C. 1395u(j)(1)(A)

[Note: Penalty set by reference to 42 U.S.C. 1320a-7a(a); no separate amendment required.]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

42 U.S.C. 5410(a)

Substitute "not to exceed \$3,000" for "not to exceed \$1,000" and "may not exceed \$2,650,000" for "may not exceed \$1,000,000." The modified civil money penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil money penalty amount.

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

30 U.S.C. 1719(a)(2)

Substitute "of up to \$700 per violation" for "of up to \$500 per violation." The modified civil money penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil money penalty amount.

30 U.S.C. 1719(b)

Substitute "of not more than \$7,000 per violation" for "of not more than \$5,000 per violation." The modified civil money penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil money penalty amount.

30 U.S.C. 1719(c)(3)

Substitute "of up to \$15,000 per violation" for "of up to \$10,000 per violation." The modified civil money penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil money penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

30 U.S.C. 1719(d)(3)

Substitute "of up to \$35,000 per violation" for "of up to \$25,000 per violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF THE INTERIOR**  
**Fish and Wildlife Service**

16 U.S.C. 668(b)

Substitute "not more than \$15,000" for "not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 1375(a)(1)

Substitute "not more than \$30,000" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 1540(a)(1)

Substitute "not more than \$1,000" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

16 U.S.C. 3373(a)(1)

Substitute "not more than \$15,000" for "not more than \$10,000;" substitute "or \$15,000, whichever is less" for "or \$10,000, whichever is less." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**DEPARTMENT OF THE INTERIOR**  
**Minerals Management Service**

30 U.S.C. 1719(a)(2)

Substitute "of up to \$700 per violation" for "of up to \$500 per violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

30 U.S.C. 1719(b)

Substitute "of not more than \$7,000 per violation" for "of not more than \$5,000 per violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3-LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

30 U.S.C. 1719(c)(3)

Substitute "of up to \$15,000 per violation" for "of up to \$10,000 per violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

30 U.S.C. 1719(d)(3)

Substitute "of up to \$35,000 per violation" for "of up to \$25,000 per violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining**

30 U.S.C. 1268(a)

Substitute "shall not exceed \$10,000" for "shall not exceed \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

30 U.S.C. 1268(h)

Substitute "not less than \$2,000" for "not less than \$750." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**INTERSTATE COMMERCE COMMISSION**

49 U.S.C. 10527(b)

Substitute "\$15,000" for "\$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(a)

Substitute "\$65,000" for "\$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(b)

Substitute "\$7,000 for each violation and for \$300 for each day" for "\$500 for each violation and for \$25 for each day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

## EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

49 U.S.C. 11901(c)

Substitute "\$7,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(d)

Substitute "\$30,000" for "\$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(e)(1)

Substitute "at least \$1,000 but not more than \$5,000 for each violation and for \$500 for each day" for "at least \$100 but not more than \$500 for each violation and for \$50 for each day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(e)(2)

Substitute "\$600" for "\$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(f)(1)

Substitute "\$5,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(f)(2)

Substitute "\$900" for "\$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(f)(3)

Substitute "\$900" for "\$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(g)

Substitute "not more than \$3,000 for each violation and for not more than \$1,000 for each additional day" for "not more than \$500 for each violation and for not more than \$250 for each additional day;" and "not be more than \$1,000 for each violation and \$700 for each additional day" for "not be more than \$1,000 for each violation and \$500 for each additional day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

49 U.S.C. 11901(h)

Substitute "\$30,000" for "\$20,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(i)(1)

Substitute "not more than \$800 for each violation and of not more than \$400 for each additional day" for "not more than \$500 for each violation and of not more than \$250 for each additional day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(j)(1)

Substitute "not more than \$2,000 for each violation and of not more than \$800 for each additional day" for "not more than \$1,000 for each violation and of not more than \$500 for each additional day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(j)(2)(B)

Substitute "not be more than \$2,000 for such failure or refusal and \$800 for each additional day" for "not be more than \$1,000 for such failure or refusal and \$500 for each additional day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(j)(3)

Substitute "not be more than \$800 for such failure or refusal and \$400 for each additional day" for "not be more than \$500 for such failure or refusal and \$250 for each additional day." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11901(k)

Substitute "not more than \$3,000 for each violation and of not more than \$8,000 for each subsequent violation" for "not more than \$2,000 for each violation and of not more than \$5,000 for each subsequent violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 11902a(a)

Substitute "\$15,000" for "\$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF JUSTICE**  
Antitrust Division

15 U.S.C. 18(a)(g)(1)

Substitute "shall be liable to the United States for a civil penalty of not more than \$25,000 for each day" for "shall be liable to the United States for a civil penalty of not more than \$10,000 for each day." The modified civil amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF LABOR**  
Employment Standards Administration

30 U.S.C. 933(d)(1)

Substitute "not more than \$2,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

30 U.S.C. 942(b)

Substitute "not more than \$1,000" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

33 U.S.C. 914(g)

Substitute "\$700" for "\$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

33 U.S.C. 930(e)

Substitute "not to exceed \$15,000" for "not to exceed \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

33 U.S.C. 948a

Substitute "not less than \$1,000 or more than \$6,000" for "not less than \$1,000 or more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF LABOR**  
Mine Safety and Health Administration

30 U.S.C. 820(g)

Substitute "shall not be more than \$500" for "shall not be more than \$250." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF LABOR**  
Pension and Welfare Benefits Administration

29 U.S.C. 1059(b)

Substitute "\$30" for "\$10." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

29 U.S.C. 1132(c)(1)(B)

Substitute "\$300" for "\$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**MERIT SYSTEMS PROTECTION BOARD**

5 U.S.C. 1215(a)(3)

Substitute "not to exceed \$2,000" for "not to exceed \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**NATIONAL SCIENCE FOUNDATION**

16 U.S.C. 2407(a)

Substitute "shall not exceed \$20,000" for "shall not exceed \$10,000." Substitute "shall not exceed \$10,000" for "shall not exceed \$5,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

**NATIONAL TRANSPORTATION SAFETY BOARD**

49 U.S.C. 1471(a)(1)

Substitute "not to exceed \$4,000" for "not to exceed \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**NUCLEAR REGULATORY COMMISSION**

42 U.S.C. 2114

Substitute "not to exceed \$160,000 for each such violation" for "not to exceed \$100,000 for each such violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 2167

Substitute "not to exceed \$160,000 for each such violation" for "not to exceed \$100,000 for each such violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 2282

Substitute "not to exceed \$160,000 for each such violation" for "not to exceed \$100,000 for each such violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

42 U.S.C. 5846

Substitute "not to exceed \$160,000 for each such violation" for "not to exceed \$100,000 for each such violation." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**PENSION BENEFIT GUARANTY CORPORATION**

Section 4302, 29 U.S.C. 1452

Substitute "\$200" for "\$100." The modified civil penalty amount is applicable only in the case of a failure to provide a required notice occurring on or after the date of enactment of the modified civil penalty amount.

**U.S. POSTAL SERVICE**

39 U.S.C. 3012(a)

Substitute "not to exceed \$15,000" for "not to exceed \$10,000." The modified civil penalty amount is applicable only where the violation occurs on or after the date of enactment of the modified civil penalty amount.

**SECURITIES AND EXCHANGE COMMISSION**

15 U.S.C. 78ff(b)

Substitute "the sum of \$900" for "the sum of \$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF STATE**  
Office of Defense Trade Controls

22 U.S.C. 2778(e)

Substitute "may not exceed \$600,000" for "may not exceed \$500,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF TRANSPORTATION**  
United States Coast Guard

33 U.S.C. 474

Substitute "not exceeding \$800" for "not exceeding \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

33 U.S.C. 1208(a)

Substitute "not more than \$2,000 for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

33 U.S.C. 1208(b)

Substitute "not more than \$2,000" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 2306(a)(2)(B)(4)

Substitute "a civil penalty of not more than \$6,000" for "a civil penalty of not more than \$5,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 3504(c)

Substitute "a civil penalty of not more than \$15,000" for "a civil penalty of not more than \$10,000" and "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 3506

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

46 U.S.C. 4311(b)

Substitute "a civil penalty of not more than \$3,000, except that the maximum civil penalty may be not more than \$130,000 for a related series of violation" for "a civil penalty of not more than \$2,000 except that the maximum civil penalty may be not more than \$100,000 for a related series of violations." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 9308(a)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 9308(b)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 9308(c)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10309(b)

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10310

Substitute "a civil penalty of \$70" for "a civil penalty of \$50."

The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10314(a)(2)

Substitute "a civil penalty of not more than \$700" for "a civil penalty of not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10314(b)

Substitute "a civil penalty of not more than \$700" for "a civil penalty of not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

46 U.S.C. 10315(c)

Substitute "a civil penalty of not more than \$700" for "a civil penalty of not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10321

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10505(b)

Substitute "a civil penalty of not more than \$700" for "a civil penalty of not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10508(b)

Substitute "a civil penalty of \$30 for "a civil penalty of \$20." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10711

Substitute "a civil penalty of 3 times the value of the seaman's money, property, and wages involved or, if the value is not determined, of \$300" for "a civil penalty of 3 times the value of the seaman's money, property, and wages involved or, if the value is not determined, of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10902(a)(2)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 10907(b)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11101(f)

Substitute "a civil penalty of at least \$60 but not more than \$600" for "a civil penalty of at least \$50 but not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

46 U.S.C. 11102(b)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11105(c)

Substitute "a civil penalty of \$700" for "a civil penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11303(a)

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11303(b)

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11303(c)

Substitute "a civil penalty of \$200" for "a civil penalty of \$150." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11303(a)

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11303(b)

Substitute "a civil penalty of \$300" for "a civil penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 11303(c)

Substitute "a civil penalty of \$200" for "civil penalty of \$150." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

46 U.S.C. 11506

Substitute "a civil penalty of \$70" for "a civil penalty of \$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 1809(a)(1)

Substitute "a civil penalty of not more than \$25,000" for "a civil penalty of not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF TRANSPORTATION**  
Federal Aviation Administration

49 APP. U.S.C. 1471(a)

Substitute "a civil penalty of not more than \$4,000" for "a civil penalty of not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF TRANSPORTATION**  
Federal Highway Administration

49 U.S.C. 521(b)(2)(A)

Substitute "civil penalty not to exceed \$600 for each offense" for "civil penalty not to exceed \$500." Substitute "the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed \$3,000" for "the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed \$2,500." Substitute "the maximum fine for each such pattern of safety violations shall not exceed \$15,000" for "the maximum fine for each such pattern of safety violations shall not exceed \$10,000." Substitute "serious personal injury or death, the Secretary may assess a civil penalty not to exceed \$15,000" for "serious personal injury or death the Secretary may assess a civil penalty not to exceed \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

49 U.S.C. 10927 Note

Substitute "not more than \$15,000 for each violation" for "not more than \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF TRANSPORTATION**  
Maritime Administration

46 U.S.C. App. 1122a

Substitute "\$200" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF TRANSPORTATION**  
**National Highway Traffic Safety Administration**

15 U.S.C. 1398(a)

Substitute "not to exceed \$4,000" for "not to exceed \$1,000" and "shall not exceed \$2,125,000" for "shall not exceed \$800,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

15 U.S.C. 1917(a)

Substitute "not to exceed \$3,000" for "not to exceed \$1,000" and "shall not exceed \$2,500,000" for "shall not exceed \$800,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

15 U.S.C. 1948(a)

Substitute "not to exceed \$3,000" for "not to exceed \$1,000" and "shall not exceed \$1,250,000" for "shall not exceed \$400,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

15 U.S.C. 1990b(a)

Substitute "shall not exceed \$225,000" for "shall not exceed \$100,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 2008(b)(1)

Substitute "a civil penalty equal to the amount obtained by multiplying \$12" for "a civil penalty equal to the amount obtained by multiplying \$5." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

15 U.S.C. 2028(a)(4)

Substitute "shall not exceed \$325,000" for "shall not exceed \$250,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF TRANSPORTATION**  
**Office of the Secretary - Aviation Enforcement and Proceedings**

49 U.S.C. App. 1471(a)(1)

Insert "and except that any person who violates title IV of the Act shall be subject to a civil penalty not in excess of \$4,000 for each such violation."

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

**DEPARTMENT OF TREASURY**

Bureau of Alcohol Tobacco and Firearms

26 U.S.C. 5761(a)

Substitute "\$9,000" for "\$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7268

Substitute "\$2,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7271

Substitute "\$100" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7304

Substitute "\$1,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7342

Substitute "\$2,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF THE TREASURY**

Customs Service

19 U.S.C. 292

Substitute "the sum of \$300" for "the sum of \$20." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

19 U.S.C. 469

Substitute "a penalty of \$3,000" for "a penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

19 U.S.C. 1439

Substitute "not more than \$4,000" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

19 U.S.C. 1440

Substitute "a penalty of \$4,000" for "a penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified penalty amount.

19 U.S.C. 1445

Substitute "of not more than \$4,000" for "of not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified penalty amount.

19 U.S.C. 1455

Substitute "of not more than \$4,000" for "of not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified penalty amount.

19 U.S.C. 1581(c)

Substitute "of not more than \$40,000" for "of not more than \$5,000" and "not less than \$4,000" for "not less than \$500." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified penalty amount.

19 U.S.C. 1581(d)

Substitute "of not more than \$40,000" for "of not more than \$5,000" and "not less than \$8,000" for "not less than \$1,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified penalty amount.

19 U.S.C. 1587(a)

Substitute "not more than \$45,000 nor less than \$5,000" for "not more than \$5,000 nor less than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

19 U.S.C. 1599

Substitute "a penalty of \$1,000" for "a penalty of \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

19 U.S.C. 1627a(a)(1)

Substitute "not to exceed \$15,000" for "not to exceed \$10,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

19 U.S.C. 1627a(b)

Substitute "not more than \$600" for "not more than \$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

19 U.S.C. 1708(a)

Substitute "not less than \$9,000" for "not less than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

46 U.S.C. 91

Substitute "not more than \$9,000 nor less than \$5,000" for "not more than \$1,000 nor less than \$500." Substitute "not more than \$45,000 nor less than \$9,000" for "not more than \$5,000 nor less than \$1,000." Substitute "in the penal sum of \$9,000" for "in the penal sum of \$1,000." Substitute "a penalty of \$500" for "a penalty of \$50." Substitute "a penalty of \$900" for "a penalty of \$100." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amounts.

46 U.S.C. 289

Substitute "under a penalty of \$3,000" for "under a penalty of \$200." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF THE TREASURY**

Internal Revenue Service

26 U.S.C. 6652(c)(1)(D)

Substitute "\$40" for "\$10." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6674

Substitute "\$200" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

26 U.S.C. 6675

Substitute "\$50" for "\$10." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6677

Substitute "not more than \$2,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6682

Substitute "\$700" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6686

Substitute "not more than \$30,000" for "not more than \$25,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6688

Substitute "\$300" for "\$100." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6690

Substitute "\$100" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6692

Substitute "not more than \$3,000" for "not more than \$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6695(f)

Substitute "\$1,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3—LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

26 U.S.C. 6698

Substitute "\$100" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6702

Substitute "\$700" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6704

Substitute "\$60" for "\$50" and "\$60,000" for "\$50,000." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6705

Substitute "\$700" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6706(a)

Substitute "\$60" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 6706(b)

Substitute "\$65,000" for "\$50,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7268

Substitute "\$2,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7269

Substitute "\$1,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

26 U.S.C. 7271

Substitute "\$100" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7272

Substitute "\$200" for "\$50." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7273

Substitute "\$40" for "\$10" and "\$70" for "\$20." The modified civil penalty amounts are applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7304

Substitute "\$1,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

26 U.S.C. 7342

Substitute "\$2,000" for "\$500." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**DEPARTMENT OF THE TREASURY**  
**Office of the Comptroller of the Currency**

12 U.S.C. 1832

Substitute "\$3,000" for "\$1,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**ADDITIONAL PENALTIES IDENTIFIED BY THE DEPARTMENT OF JUSTICE**

22 U.S.C. 2399b(a)

Substitute "the sum of \$7,000" for "the sum of \$2,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

**EXHIBIT 3--LAW MODIFICATIONS NECESSARY TO ENACT CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS**

40 U.S.C. 489(b)(1)

Substitute "the sum of \$10,000" for "the sum of \$2,000." The modified civil penalty amount is applicable only in the case of violations occurring on or after the date of enactment of the modified civil penalty amount.

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