



## **FEDERAL MARITIME COMMISSION**

### **46 CFR Part 506**

**[Docket No. FMC-2026-0232]**

**RIN 3072-AD05**

### **Inflation Adjustment of Civil Monetary Penalties**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission (the Commission or FMC)'s civil monetary penalty amounts will not increase for the 2026 calendar year. The FMC is generally required by statute to annually adjust for inflation the maximum civil penalty amounts subject to the Commission's jurisdiction. In accordance with guidance from the Office of Management and Budget (OMB), however, the FMC will continue to use the 2025 civil monetary penalty levels due to the absence of a cost-of-living adjustment for 2026.

**DATES:** This rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** David Eng, Secretary; Phone: (202) 523-5725; Email: [Secretary@fmc.gov](mailto:Secretary@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. No. 114-74, sec. 701), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. No. 101-410), was enacted on November 2, 2015.<sup>1</sup> The 2015 Act requires agencies to annually adjust the level of civil monetary penalties for inflation based on Consumer Price Index

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<sup>1</sup> Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, § 701(b)(1)(A) (codified as amended at 28 U.S.C. 2461 note).

(CPI-U) data from the Bureau of Labor Statistics (BLS).<sup>2</sup> Per the 2015 Act, the annual civil monetary penalties cost-of-living adjustment is based on BLS data from the month of October of the prior year. Due to the Government shutdown, BLS did not release a CPI-U for October 2025.

On April 17, 2026, OMB issued memorandum M-26-11, *Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, informing agencies of the cancellation of the inflation adjustment for 2026. Based on the lack of CPI-U data for October 2025, which is needed to make adjustments under the 2015 Act, and in accordance with OMB Memorandum M-26-11, the Commission will continue using the 2025 civil monetary penalty levels.

### **Rulemaking Analyses and Notices**

#### *Administrative Procedure Act*

Adjustments under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, as amended, are not subject to the procedural rulemaking requirements of 5 U.S.C. 553, including the requirements for prior notice, an opportunity for comment, and a delay between the issuance of a final rule and its effective date.<sup>3</sup>

#### *Executive Order 12866*

OIRA has determined that this rule is not significant for purposes of section 3 of Executive Order 12866.

#### *Congressional Review Act*

The rule is not a “major rule” as defined by the Congressional Review Act, codified at 5 U.S.C. 801 et seq. The rule will not result in: (1) an annual effect on the

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<sup>2</sup> OMB Memorandum M-16-06, *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Feb. 24, 2016), guided agencies on initial “catch-up” adjustment requirements, and subsequent memoranda, including, for example, M-24-07, guided agencies on annual adjustment requirements.

<sup>3</sup> Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, section 4(b)(2), 104 Stat. 890 (codified at 28 U.S.C. 2461 note).

economy of \$100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies. 5 U.S.C. 804(2).

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601–612) provides that whenever an agency promulgates a final rule after being required to publish a notice of proposed rulemaking under the APA (5 U.S.C. 553), the agency must prepare and make available a final regulatory flexibility analysis describing the impact of the rule on small entities or the head of the agency must certify that the rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 604–605. As indicated above, this final rule is not subject to the APA's notice and comment requirements, and the Commission is therefore not required to either conduct a regulatory flexibility analysis or certify that the final rule would not have a significant economic impact on a substantial number of small entities.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11. This final rule does not contain any collection of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

#### **List of Subjects in 46 CFR Part 506**

Administrative practice and procedure, Claims, Penalties.

For the reasons stated in the preamble, 46 CFR part 506 is amended as follows:

#### **PART 506—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT**

1. The authority citation for part 506 continues to read as follows:

**Authority:** 28 U.S.C. 2461.

2. Amend § 506.4 by revising paragraph (d) to read as follows:

**§ 506.4 Cost of living adjustments of civil monetary penalties.**

\* \* \* \* \*

(d) *Inflation adjustment.* Maximum civil monetary penalties within the jurisdiction of the Federal Maritime Commission are adjusted for inflation as follows:

Table 1 to Paragraph (d)

United States Code Citation	Civil Monetary Penalty Description	Maximum penalty as of January 15, 2025	Maximum penalty as of January 15, 2026
46 U.S.C. 42304	Adverse impact on U.S. carriers by foreign shipping practices	\$2,626,135	\$2,626,135
46 U.S.C. 41107(a)	Knowing and Willful violation/ Shipping Act of 1984, or Commission regulation or order	74,943	74,943
46 U.S.C. 41107(a)	Violation of Shipping Act of 1984, Commission regulation or order, not knowing and willful	14,988	14,988
46 U.S.C. 41108(b)	Operating in foreign commerce after tariff suspension	149,887	149,887
46 U.S.C. 42104	Failure to provide required reports, etc./ Merchant Marine Act of 1920	11,823	11,823
46 U.S.C. 42106	Adverse shipping conditions/Merchant Marine Act of 1920	2,364,503	2,364,503
46 U.S.C. 42108	Operating after tariff or service contract suspension/Merchant Marine Act of 1920	118,225	118,225
46 U.S.C. 44102, 44104	Failure to establish financial responsibility for non-performance of transportation	29,864 996	29,864 996
46 U.S.C. 44103, 44104	Failure to establish financial responsibility for death or injury	29,864 996	29,864 996
31 U.S.C. 3802(a)(1)	Program Fraud Civil Remedies Act/making false claim	14,308	14,308
31 U.S.C. 3802(a)(2)	Program Fraud Civil Remedies Act/giving false statement	14,308	14,308

By the Commission.

David Eng,  
Secretary.

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