

**AMENDMENT TO H.R. 3898, AS REPORTED  
OFFERED BY MS. HAGEMAN OF WYOMING**

Add at the end the following:

1   **SEC. \_\_\_\_ . CIVIL MONETARY PENALTIES.**

2           (a)       ADMINISTRATIVE       PENALTIES.—Section  
3   309(g)(3) of the Federal Water Pollution Control Act (33  
4   U.S.C. 1319(g)(3)) is amended by adding at the end the  
5   following: “Section 4 of the Federal Civil Penalties Infla-  
6   tion Adjustment Act of 1990 (28 U.S.C. 2461 note) shall  
7   not apply to the maximum civil penalties described in this  
8   subsection.”.

9           (b) CIVIL PENALTY FOR VIOLATION OF PERMIT FOR  
10   DREDGED OR FILL MATERIAL.—Section 404(s)(4) of the  
11   Federal Water Pollution Control Act (33 U.S.C.  
12   1344(s)(4)) is amended—

13               (1) by striking “for each violation”; and

14               (2) by adding at the end the following: “The  
15   court shall reduce the person’s total liability under  
16   this section by 50% if the court determines, by a  
17   preponderance of the evidence, that the person made  
18   reasonable efforts to ensure that the actions held to  
19   be violations were legal. Section 4 of the Federal  
20   Civil Penalties Inflation Adjustment Act of 1990 (28

- 1 U.S.C. 2461 note) shall not apply to the maximum
- 2 civil penalty described in this paragraph.”.

