

property involved in a money laundering transaction; 33 U.S.C. § 1319(c), which authorizes a fine of up to \$50,000 per day for violations of the Water Pollution Control Act; 42 U.S.C. § 6928(d), which authorizes a fine of up to \$50,000 per day for violations of the Resource Conservation Act; and 52 U.S.C. § 30109(d)(1)(D), which authorizes, for violations of the Federal Election Campaign Act under 52 U.S.C. § 30122, a fine up to the greater of \$50,000 or 1,000 percent of the amount of the violation, and which requires, in the case of such a violation, a minimum fine of not less than 300 percent of the amount of the violation.

There may be cases in which the defendant has entered into a conciliation agreement with the Federal Election Commission under section 309 of the Federal Election Campaign Act of 1971 in order to correct or prevent a violation of such Act by the defendant. The existence of a conciliation agreement between the defendant and Federal Election Commission, and the extent of compliance with that conciliation agreement, may be appropriate factors in determining at what point within the applicable fine guideline range to sentence the defendant, unless the defendant began negotiations toward a conciliation agreement after becoming aware of a criminal investigation.

5. The existence of income or assets that the defendant failed to disclose may justify a larger fine than that which otherwise would be warranted under this section. The court may base its conclusion as to this factor on information revealing significant unexplained expenditures by the defendant or unexplained possession of assets that do not comport with the defendant's reported income. If the court concludes that the defendant willfully misrepresented all or part of his income or assets, it may increase the offense level and resulting sentence in accordance with Chapter Three, Part C (Obstruction and Related Adjustments).
6. In considering subsection (d)(7), the court may be guided by reports published by the Bureau of Prisons and the Administrative Office of the United States Courts concerning average costs.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective January 15, 1988 (amendment 54); November 1, 1989 (amendments 280, 281, and 302); November 1, 1990 (amendment 356); November 1, 1991 (amendment 384); November 1, 1997 (amendment 572); November 1, 2002 (amendment 646); January 25, 2003 (amendment 648); November 1, 2003 (amendment 656); November 1, 2011 (amendment 758); November 1, 2015 (amendments 791 and 796); November 1, 2024 (amendment 831); November 1, 2025 (amendment 836).
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§5E1.3. Special Assessments

A special assessment must be imposed on a convicted defendant in the amount prescribed by statute.

Commentary

Application Notes:

1. This guideline applies only if the defendant is an individual. See §8E1.1 for special assessments applicable to organizations.
2. The following special assessments are provided by statute (18 U.S.C. § 3013):

FOR OFFENSES COMMITTED BY INDIVIDUALS ON OR AFTER APRIL 24, 1996:

- (A) \$100, if convicted of a felony;
- (B) \$25, if convicted of a Class A misdemeanor;
- (C) \$10, if convicted of a Class B misdemeanor;
- (D) \$5, if convicted of a Class C misdemeanor or an infraction.