

110TH CONGRESS
1ST SESSION

H. R. 2474

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2007

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To provide for an increased maximum civil penalty for
violations under the Consumer Product Safety Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Product Safety Civil
3 Penalties Improvement Act”.

4 **SEC. 2. MAXIMUM CIVIL PENALTIES OF THE CONSUMER**
5 **PRODUCT SAFETY COMMISSION.**

6 (a) INITIAL INCREASE IN MAXIMUM CIVIL PEN-
7 ALTIES.—

8 (1) TEMPORARY INCREASE.—Notwithstanding
9 the dollar amounts specified for maximum civil pen-
10 alties specified in section 20(a)(1) of the Consumer
11 Product Safety Act (15 U.S.C. 2069(a)(1)), section
12 5(c)(1) of the Federal Hazardous Substances Act,
13 and section 5(e)(1) of the Flammable Fabrics Act
14 (15 U.S.C. 1194(e)(1)), the maximum civil penalties
15 for any violation specified in such sections shall be
16 \$5,000,000, beginning on the date that is the earlier
17 of the date on which final regulations are issued
18 under section 3(b) or 360 days after the date of en-
19 actment of this Act.

20 (2) EFFECTIVE DATE.—Paragraph (1) shall
21 cease to be in effect on the date on which the
22 amendments made by subsection (b)(1) shall take ef-
23 fect.

24 (b) PERMANENT INCREASE IN MAXIMUM CIVIL PEN-
25 ALTIES.—

26 (1) AMENDMENTS.—

1 (A) CONSUMER PRODUCT SAFETY ACT.—
2 Section 20(a)(1) of the Consumer Product
3 Safety Act (15 U.S.C. 2069(a)(1)) is amended
4 by striking “\$1,250,000” both places it appears
5 and inserting “\$10,000,000”.

6 (B) FEDERAL HAZARDOUS SUBSTANCES
7 ACT.—Section 5(c)(1) of the Federal Haz-
8 arduous Substances Act (15 U.S.C. 1264(c)(1))
9 is amended by striking “\$1,250,000” both
10 places it appears and inserting “\$10,000,000”.

11 (C) FLAMMABLE FABRICS ACT.—Section
12 5(e)(1) of the Flammable Fabrics Act (15
13 U.S.C. 1194(e)(1)) is amended by striking
14 “\$1,250,000” and inserting “\$10,000,000”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) shall take effect on the date that
17 is 1 year after the earlier of—

18 (A) the date on which final regulations are
19 issued pursuant to section 3(b); or

20 (B) 360 days after the date of enactment
21 of this Act.

22 **SEC. 3. DETERMINATION OF PENALTIES BY THE CON-**
23 **SUMER PRODUCT SAFETY COMMISSION.**

24 (a) FACTORS TO BE CONSIDERED.—

1 (1) CONSUMER PRODUCT SAFETY ACT.—Section
2 20(b) of the Consumer Product Safety Act (15
3 U.S.C. 2069(b)) is amended—

4 (A) by inserting “the nature, cir-
5 cumstances, extent, and gravity of the violation,
6 including” after “shall consider”;

7 (B) by striking “products distributed, and”
8 and inserting “products distributed,”; and

9 (C) by inserting “, and such other factors
10 as appropriate” before the period.

11 (2) FEDERAL HAZARDOUS SUBSTANCES ACT.—
12 Section 5(e)(3) of the Federal Hazardous Sub-
13 stances Act (15 U.S.C. 1264(e)(3)) is amended—

14 (A) by inserting “the nature, cir-
15 cumstances, extent ,and gravity of the violation,
16 including” after “shall consider”;

17 (B) by striking “substance distributed,
18 and” and inserting “substance distributed,”;
19 and

20 (C) by inserting “, and such other factors
21 as appropriate” before the period.

22 (3) FLAMMABLE FABRICS ACT.—Section 5(e)(2)
23 of the Flammable Fabrics Act (15 U.S.C.
24 1194(e)(2)) is amended—

1 (A) by striking “nature and number” and
2 inserting “nature, circumstances, extent, and
3 gravity”;

4 (B) by striking “absence of injury, and”
5 and inserting “absence of injury,”; and

6 (C) by inserting “, and such other factors
7 as appropriate” before the period.

8 (b) REGULATIONS.—Not later than 1 year after the
9 date of enactment of this Act, and in accordance with the
10 procedures of section 553 of title 5, United States Code,
11 the Commission shall issue a final regulation providing its
12 interpretation of the penalty factors described in section
13 20(b) of the Consumer Product Safety Act (15 U.S.C.
14 2069(b)), section 5(c)(3) of the Federal Hazardous Sub-
15 stances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2)
16 of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as
17 amended by subsection (a).

Passed the House of Representatives October 9,
2007.

Attest: LORRAINE C. MILLER,
Clerk.