

Union Calendar No. 225

110TH CONGRESS
1ST SESSION

H. R. 2474

[Report No. 110-364]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Mr. RUSH introduced the following bill; which was referred to the Committee
on Energy and Commerce

OCTOBER 9, 2007

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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. CIVIL PENALTIES OF THE CONSUMER PROD-**
2 **UCT SAFETY COMMISSION.**

3 Section 20(a)(1) of the Consumer Product Safety Act
4 (~~15 U.S.C. 2069(a)(1)~~) is amended by striking
5 “\$1,250,000” each place it appears and inserting
6 “\$20,000,000”.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Product Safety Civil*
9 *Penalties Improvement Act”.*

10 **SEC. 2. MAXIMUM CIVIL PENALTIES OF THE CONSUMER**
11 **PRODUCT SAFETY COMMISSION.**

12 (a) *INITIAL INCREASE IN MAXIMUM CIVIL PEN-*
13 *ALTIES.—*

14 (1) *TEMPORARY INCREASE.—Notwithstanding*
15 *the dollar amounts specified for maximum civil pen-*
16 *alties specified in section 20(a)(1) of the Consumer*
17 *Product Safety Act (15 U.S.C. 2069(a)(1)), section*
18 *5(c)(1) of the Federal Hazardous Substances Act, and*
19 *section 5(e)(1) of the Flammable Fabrics Act (15*
20 *U.S.C. 1194(e)(1)), the maximum civil penalties for*
21 *any violation specified in such sections shall be*
22 *\$5,000,000, beginning on the date that is the earlier*
23 *of the date on which final regulations are issued*
24 *under section 3(b) or 360 days after the date of enact-*
25 *ment of this Act.*

1 (2) *EFFECTIVE DATE.*—Paragraph (1) shall
2 cease to be in effect on the date on which the amend-
3 ments made by subsection (b)(1) shall take effect.

4 (b) *PERMANENT INCREASE IN MAXIMUM CIVIL PEN-*
5 *ALTIES.*—

6 (1) *AMENDMENTS.*—

7 (A) *CONSUMER PRODUCT SAFETY ACT.*—
8 Section 20(a)(1) of the Consumer Product Safety
9 Act (15 U.S.C. 2069(a)(1)) is amended by strik-
10 ing “\$1,250,000” both places it appears and in-
11 serting “\$10,000,000”.

12 (B) *FEDERAL HAZARDOUS SUBSTANCES*
13 *ACT.*—Section 5(c)(1) of the Federal Hazardous
14 *Substances Act* (15 U.S.C. 1264(c)(1)) is amend-
15 *ed by striking “\$1,250,000” both places it ap-*
16 *pears and inserting “\$10,000,000”.*

17 (C) *FLAMMABLE FABRICS ACT.*—Section
18 *5(e)(1) of the Flammable Fabrics Act* (15 U.S.C.
19 *1194(e)(1)) is amended by striking “\$1,250,000”*
20 *and inserting “\$10,000,000”.*

21 (2) *EFFECTIVE DATE.*—The amendments made
22 by paragraph (1) shall take effect on the date that is
23 1 year after the earlier of—

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

1 (B) 360 days after the date of enactment of
2 this Act.

3 **SEC. 3. DETERMINATION OF PENALTIES BY THE CONSUMER**

4 **PRODUCT SAFETY COMMISSION.**

5 (a) *FACTORS TO BE CONSIDERED.*—

6 (1) *CONSUMER PRODUCT SAFETY ACT.*—Section
7 20(b) of the Consumer Product Safety Act (15 U.S.C.
8 2069(b)) is amended—

9 (A) by inserting “the nature, circumstances,
10 extent, and gravity of the violation, including”
11 after “shall consider”;

12 (B) by striking “products distributed, and”
13 and inserting “products distributed,”; and

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

16 (2) *FEDERAL HAZARDOUS SUBSTANCES ACT.*—
17 Section 5(c)(3) of the Federal Hazardous Substances
18 Act (15 U.S.C. 1264(c)(3)) is amended—

19 (A) by inserting “the nature, circumstances,
20 extent ,and gravity of the violation, including”
21 after “shall consider”;

22 (B) by striking “substance distributed, and”
23 and inserting “substance distributed,”; and

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

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

4 (A) by striking “nature and number” and
5 inserting “nature, circumstances, extent, and
6 gravity”;

7 (B) by striking “absence of injury, and”
8 and inserting “absence of injury,”; and

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

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

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