

[Committee Print]

(SHOWING THE TEXT OF H.R. 2474 AS REPORTED BY THE SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION, JULY 31, 2007)

110TH CONGRESS
1ST SESSION

H. R. 2474

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Product Safety Civil
5 Penalties Improvement Act”.

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

3 (a) INITIAL INCREASE IN MAXIMUM CIVIL PEN-
4 ALTIES.—

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

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

21 (b) PERMANENT INCREASE IN MAXIMUM CIVIL PEN-
22 ALTIES.—

23 (1) AMENDMENTS.—

24 (A) CONSUMER PRODUCT SAFETY ACT.—
25 Section 20(a)(1) of the Consumer Product
26 Safety Act (15 U.S.C. 2069(a)(1)) is amended

1 by striking “\$1,250,000” both places it appears
2 and inserting “\$10,000,000”.

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

8 (C) FLAMMABLE FABRICS ACT.—Section
9 5(e)(1) of the Flammable Fabrics Act (15
10 U.S.C. 1194(e)(1)) is amended by striking
11 “\$1,250,000” and inserting “\$10,000,000”.

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

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

17 (B) 360 days after the date of enactment
18 of this Act.

19 **SEC. 3. DETERMINATION OF PENALTIES BY THE CON-**
20 **SUMER PRODUCT SAFETY COMMISSION.**

21 (a) FACTORS TO BE CONSIDERED.—

22 (1) CONSUMER PRODUCT SAFETY ACT.—Section
23 20(b) of the Consumer Product Safety Act (15
24 U.S.C. 2069(b)) is amended—

1 (A) by inserting “the nature, cir-
2 cumstances, extent, and gravity of the violation,
3 including” after “shall consider”;

4 (B) by striking “products distributed, and”
5 and inserting “products distributed,”; and

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

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

11 (A) by inserting “the nature, cir-
12 cumstances, extent, and gravity of the violation,
13 including” after “shall consider”;

14 (B) by striking “substance distributed,
15 and” and inserting “substance distributed,”;
16 and

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

19 (3) FLAMMABLE FABRICS ACT.—Section 5(e)(2)
20 of the Flammable Fabrics Act (15 U.S.C.
21 1194(e)(2)) is amended—

22 (A) by striking “nature and number” and
23 inserting “the nature, circumstances, extent,
24 and gravity”;

1 (B) by striking “absence of injury, and”
2 and inserting “absence of injury,”; and

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

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