

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2474
OFFERED BY MR. RUSH**

Strike all after the enacting clause and insert the following:

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

1 under section 3(b) or 360 days after the date of en-
2 actment of this Act.

3 (2) EFFECTIVE DATE.—Paragraph (1) shall
4 cease to be in effect on the date on which the
5 amendments made by subsection (b)(1) shall take ef-
6 fect.

7 (b) PERMANENT INCREASE IN MAXIMUM CIVIL PEN-
8 ALTIES.—

9 (1) AMENDMENTS.—

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

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

20 (C) FLAMMABLE FABRICS ACT.—Section
21 5(e)(1) of the Flammable Fabrics Act (15
22 U.S.C. 1194(e)(1)) is amended by striking
23 “\$1,250,000” and inserting “\$10,000,000”.

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

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

6 (B) 360 days after the date of enactment
7 of this Act.

8 **SEC. 3. DETERMINATION OF PENALTIES BY THE CON-**
9 **SUMER PRODUCT SAFETY COMMISSION.**

10 (a) FACTORS TO BE CONSIDERED.—

11 (1) CONSUMER PRODUCT SAFETY ACT.—Section
12 20(b) of the Consumer Product Safety Act (15
13 U.S.C. 2069(b)) 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 “products distributed, and”
18 and inserting “products distributed,”; and

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

21 (2) FEDERAL HAZARDOUS SUBSTANCES ACT.—
22 Section 5(c)(3) of the Federal Hazardous Sub-
23 stances Act (15 U.S.C. 1264(c)(3)) 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 “substance distributed,
5 and” and inserting “substance distributed,”;
6 and

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

9 (3) FLAMMABLE FABRICS ACT.—Section 5(e)(2)
10 of the Flammable Fabrics Act (15 U.S.C.
11 1194(e)(2)) is amended—

12 (A) by striking “nature and number” and
13 inserting “the nature, circumstances, extent,
14 and gravity”;

15 (B) by striking “absence of injury, and”
16 and inserting “absence of injury,”; and

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

19 (b) REGULATIONS.—Not later than 360 days after
20 the date of enactment of this Act, and in accordance with
21 the procedures of section 553 of title 5, United States
22 Code, the Commission shall issue a final regulation pro-
23 viding its interpretation of the penalty factors described
24 in section 20(b) of the Consumer Product Safety Act (15
25 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous

1 Substances Act (15 U.S.C. 1264(e)(3)), and section
2 5(e)(2) of the Flammable Fabrics Act (15 U.S.C.
3 1194(e)(2)), as amended by subsection (a).