

118TH CONGRESS
2D SESSION

H. R. 7096

To amend the Consumer Product Safety Act to strike provisions relating to the maximum civil penalties for violations of product safety standards.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2024

Ms. SCHAKOWSKY (for herself and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Consumer Product Safety Act to strike provisions relating to the maximum civil penalties for violations of product safety standards.

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 “Consumer Advocacy
5 and Protection Act” or the “CAP Act”.

6 **SEC. 2. AMENDMENTS TO THE CONSUMER PRODUCT SAFE-**
7 **TY ACT.**

8 (a) CIVIL PENALTY CAP.—Section 20(a)(1) of the
9 Consumer Product Safety Act (15 U.S.C. 2069(a)(1)) is
10 amended—

1 (1) in the first sentence, by striking
2 “\$100,000” and inserting “\$250,000”;

3 (2) in the second sentence—

4 (A) by striking “or (11)” and inserting
5 “(11), (12), (15), or (16)”; and

6 (B) by striking “, except that the max-
7 imum civil penalty shall not exceed \$15,000,000
8 for any related series of violations”; and

9 (3) in the third sentence by striking “, except
10 that the maximum civil penalty shall not exceed
11 \$15,000,000 for any related series of violations”.

12 (b) ADJUSTMENT FOR INFLATION.—Section 20(a)(3)
13 of the Consumer Product Safety Act (15 U.S.C.
14 2069(a)(3)) is amended—

15 (1) by striking subparagraph (B) and inserting
16 the following:

17 “(B) Not later than one year after the date of enact-
18 ment of this subparagraph, and not later than January
19 15 of every year thereafter, the Commission shall—

20 “(i) in accordance with subparagraph (C), de-
21 termine the inflation adjusted maximum civil penalty
22 for an individual violation; and

23 “(ii) publish each such inflation adjusted max-
24 imum civil penalty for an individual violation in the
25 Federal Register.”;

1 (2) by striking subparagraph (C) and inserting
2 the following:

3 “(C)(i) The Commission shall adjust civil penalties
4 in accordance with this subparagraph and shall make such
5 adjustment notwithstanding section 553 of title 5, United
6 States Code.

7 “(ii) The inflation adjusted maximum civil penalty for
8 the purposes of subparagraph (B) shall be determined by
9 increasing the prior year maximum civil monetary penalty
10 by the cost-of-living adjustment. Any increase determined
11 under this subparagraph shall be rounded to the nearest
12 multiple of \$1.

13 “(iii) For purposes of this subparagraph—

14 “(I) the term ‘cost-of-living adjustment’ means
15 the percentage (if any) by which—

16 “(aa) the Consumer Price Index for the
17 month of October preceding the date of the ad-
18 justment; exceeds

19 “(bb) the Consumer Price Index for the
20 month of October 1 one year before the month
21 of October referred to in item (aa); and

22 “(II) the term ‘Consumer Price Index’ means
23 the Consumer Price Index for all-urban consumers
24 published by the Department of Labor.

1 “(iv) If the civil penalty subject to a cost-of-living ad-
2 justment is, during the 12 months preceding a required
3 cost-of-living adjustment, increased by law by an amount
4 greater than the amount of the adjustment required under
5 subparagraph (B), the Commission is not required to
6 make the cost-of-living adjustment otherwise required for
7 that year.”; and

8 (3) by striking subparagraph (D).

9 (c) TECHNICAL AMENDMENT.—Section 20(c) of the
10 Consumer Product Safety Act (15 U.S.C. 2069(c)) is
11 amended, in the second sentence, by striking “including,
12 the” and inserting “including the”.

13 (d) TECHNICAL AMENDMENT.—Section 20(d) of the
14 Consumer Product Safety Act (15 U.S.C. 2069(d)) is
15 amended, in the first sentence, by striking “man” and in-
16 serting “person”.

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