

118TH CONGRESS
2D SESSION

S. 3667

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

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2024

Mr. WELCH (for himself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. SCHATZ, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 of 2024”.

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

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

6 (1) in the first sentence, by striking
7 “\$100,000” and inserting “\$250,000”;

8 (2) in the second sentence—

9 (A) by striking “or (11)” and inserting
10 “(11), (12), (15), or (16)”; and

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

14 (3) in the third sentence by striking “, except
15 that the maximum civil penalty shall not exceed
16 \$15,000,000 for any related series of violations”.

17 (b) ADJUSTMENT FOR INFLATION.—Section 20(a)(3)
18 of the Consumer Product Safety Act (15 U.S.C.
19 2069(a)(3)) is amended—

20 (1) by striking subparagraph (B) and inserting
21 the following:

22 “(B) Not later than one year after the date of enact-
23 ment of this subparagraph, and not later than January
24 15 of every year thereafter, the Commission shall—

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

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

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

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

13 “(ii) The inflation adjusted maximum civil penalty for
14 the purposes of subparagraph (B) shall be determined by
15 increasing the prior year maximum civil monetary penalty
16 by the cost-of-living adjustment. Any increase determined
17 under this subparagraph shall be rounded to the nearest
18 multiple of \$1.

19 “(iii) For purposes of this subparagraph—

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

22 “(aa) the Consumer Price Index for the
23 month of October preceding the date of the ad-
24 justment; exceeds

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

4 “(II) the term ‘Consumer Price Index’ means
5 the Consumer Price Index for all-urban consumers
6 published by the Department of Labor.

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

14 (3) by striking subparagraph (D).

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

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

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