

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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**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”.