

Eliminate the cap on civil penalties for violations of product safety laws.

Under current law, the CPSC cannot assess more than \$1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation would eliminate this maximum civil penalty. Many of the cases in which the Commission seeks civil penalties involve very large corporations that can easily absorb a \$1.65 million fine. For them, it is a cost of doing business. More substantial civil penalties would provide a needed incentive for those and other companies to notify CPSC of dangerous products so that the agency can take timely action to protect consumers. Other agencies, including the Federal Trade Commission, enforce laws with no "cap" on the amount of the penalty.

Increase the penalty for a "knowing and willful" criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a "knowing and willful" violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty in accordance with existing criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Department of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement under the Consumer Product Safety Act that the Commission give notice of non-compliance before seeking a criminal penalty for a willful violation of the Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC clear authority to overrule the remedy chosen by a manufacturer to address a defective product in a product recall when the Commission determines that an alternative remedy would be in the public interest.

Under current law, a company with a defective product that is being recalled can elect the remedy to be offered to the public. The company can choose repair, replacement, or refund "less a reasonable allowance for use."

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Sometimes companies try to choose a remedy in a recall that does not further public safety. For example, a manufacturer may argue it can choose to refund the purchase price of a product, less a reasonable allow-

ance for use even though the product has been on the market for a long time and the amount due consumers may be so insignificant that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement for the consumer is substantial. Companies may try to choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, injuries are continuing to occur and a repair is available and feasible. In this example, a refund is no remedy at all, and offering a minimal refund would not serve the public interest.

AGRICULTURAL BIOTECHNOLOGY  
AMENDMENT TO H.R. 2646

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to introduce an amendment to H.R. 2646, the Farm Security Act of 2001. Please print the amendment in the CONGRESSIONAL RECORD.

My amendment establishes a program under the Foreign Agricultural Service in the Department of Agriculture to award grants for the research and development of biotechnology on agricultural products that can be grown in the developing world. Eligible grant recipients include historically black or land grant colleges or universities, Hispanic serving institutions, and tribal colleges or universities that have agriculture or the biosciences in its curricula. Non-profit organizations or consortia of for-profit institutions with in-country agricultural research institutions are also eligible. Grants are awarded on a competitive merit-reviewed basis.

If you have any questions about this amendment, you may contact John Tustin at 225-8885. I appreciate your attention to this matter.

SALUTE TO PULASKI

**HON. MARK FOLEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. FOLEY. Mr. Speaker, as American Polish clubs across the state prepare to celebrate the Pulaski Day Celebration, I would like to recognize General Casimir Pulaski and all Polish Americans.

General Pulaski came to America in 1777 to aid our fledgling Nation during the Revolutionary War. As a cavalry general, he earned the title "Father of the American Cavalry" leading many successful campaigns and directly contributing to our overall victory.

Pulaski understood that America would become a beacon of freedom. In the wake of recent events, and as we assemble an international coalition, it is my sincere hope we can find individuals that have the same dedication and courage as Casimir Pulaski to assist us in seeking justice.

The United States is a country with many Polish Americans that live their lives in the tra-

dition of Casimir Pulaski. It is this tradition that makes our country great and will assure our victory once again.

Mr. Speaker, again, I pay tribute to all Americans of Polish ancestry as we celebrate Pulaski Day.

HONORING FALLEN FIREFIGHTERS

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BENTSEN. Mr. Speaker, I rise today in support of the Resolution to honor the brave men and women who lost their lives while shielding others from fire. Everyday at firehouses across America, thousands of men and women shelve fear and self-interest, strap on boots, and await the alarms or cries for help. They form the frontline of our homeland defense. They enter blazing buildings and risk their lives to save strangers—knowing full well that each day at work could be their last. These heroes are the veterans of domestic tragedies.

On September 11th, while thousands of workers raced from the blazing twin towers, hundreds of New York City's bravest stormed in—pushing aside fear and clearing paths to free those trapped inside the rubble. For many of New York's firefighters, their service during the fires of September 11th was their last heroic acts. Their lives of courage and selflessness exemplify the meaning of compassion and concern for others.

September 11, 2001 is a day in history that all of us wish we could erase. The visions of our symbols of capitalism and security ablaze are permanently etched in our memories. We cannot wipe out these horrific images, nor can we forget the tragic tales of lost loved ones. But we can choose to move on and carry with us the memories of bravery and brotherhood that so embody the American spirit. The fallen firefighters leave behind a legacy of valor and an unyielding commitment to the common good.

Mr. Speaker, it is only fitting that we lower our nation's flags each year in honor of these individuals so that we never forget the sacrifice they made for the betterment of the rest of us. As a result of the egregious attack on our nation many fathers, mothers and children were killed. Our burning tears of sorrow will never be forgotten. We will be eternally grateful for the courageous sacrifice of these men and women.

IN RECOGNITION OF THE PRESER-  
VATION OF THE ISLAND FOX

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the preservation efforts for endangered Island fox. This unique species inhabits San Miguel, Santa Rosa, Santa Cruz, San Nicolas, Santa Catalina, and San Clemente Islands in the chain of Channel Islands off the coast of Southern California, and its once thriving population has declined in recent years.