

109TH CONGRESS
1ST SESSION

H. R. 3705

To amend title 18, United States Code, to prohibit price gouging during national emergencies.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2005

Mr. GERLACH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit price gouging during national emergencies.

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 “Protection Against
5 Gouging Activities Act”.

6 **SEC. 2. PROHIBITION ON PRICE GOUGING DURING NA-**
7 **TIONAL EMERGENCY.**

8 (a) TITLE 18 AMENDMENT.—Chapter 41 of title 18,
9 United States Code, is amended by adding at the end the
10 following:

1 **“§ 881. Price gouging during national emergency**

2 “(a) Whoever engages in price gouging during a pe-
3 riod of national emergency shall be fined not more than
4 \$5,000 or imprisoned for not more than 5 years, or both.

5 “(b) As used in this section—

6 “(1) the term ‘price gouging’ means selling or
7 renting any product, service, dwelling, or facility at
8 a price that grossly exceeds the average price at
9 which the same or similar product, service, dwelling,
10 or facility was obtainable in the same geographic
11 area during the 30-day period immediately preceding
12 the period of national emergency, and the increase
13 in price is not—

14 “(A) attributable to any reasonable attend-
15 ant business risk resulting from the national
16 emergency; or

17 “(B) consistent with national or inter-
18 national market trends; and

19 “(2) the term ‘period of national emergency’
20 means the period of 90 days immediately following
21 the declaration of an emergency or major disaster as
22 defined in section 102 of the Robert T. Stafford Dis-
23 aster Relief and Emergency Assistance Act (42
24 U.S.C. 5122).”.

- 1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 41 of title 18, United States
3 Code, is amended by adding at the end the following:

“881. Price gouging during national emergency.”.

