

Union Calendar No. 306

110TH CONGRESS
1ST SESSION

H. R. 4040

[Report No. 110-501]

To establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2007

Mr. RUSH (for himself, Mr. STEARNS, Mr. DINGELL, Mr. BARTON of Texas, Mr. TOWNS, Mr. WHITFIELD, Mr. GORDON of Tennessee, Mr. BURGESS, Mr. STUPAK, Mr. WYNN, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mrs. CAPPS, Ms. HARMAN, Mr. ALLEN, Ms. SOLIS, Mr. GONZALEZ, Mr. INSLEE, Ms. BALDWIN, Mr. ROSS, Mr. MATHESON, Mr. BARROW, Mr. HILL, Mr. EMANUEL, Mr. CLYBURN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CARDOZA, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. ELLISON, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. HALL of New York, Mr. HODES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. THOMPSON of Mississippi, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 19, 2007

Additional sponsors: Ms. SHEA-PORTER, Mr. DOYLE, Mrs. LOWEY, Mr. MCNERNEY, Ms. MATSUI, Mr. BUTTERFIELD, Ms. BORDALLO, Ms. HERSETH SANDLIN, Ms. WASSERMAN SCHULTZ, Mr. WALSH of New York, Mr. DEFazio, Mr. McNULTY, Mr. HASTINGS of Florida, Mr. WILSON of Ohio, Ms. GIFFORDS, Ms. CASTOR, Ms. LEE, Mr. LANGEVIN, Ms. SUTTON, Mr. FARR, Mr. VAN HOLLEN, Mr. REYES, Mr. HINOJOSA, Mr. VISCLOSKY, Mr. PERLMUTTER, Mr. SPACE, Mr. MOORE of Kansas, Mr. HONDA, Mr. BOUCHER, Mr. FORTENBERRY, Ms. RICHARDSON, Mr. HARE, Ms. CLARKE, Mr. COURTNEY, Mr. SARBANES, Mr. SIRES, Mr. JOHNSON of Georgia, Mr. LAMPSON, Ms. HOOLEY, Mr. MAHONEY of

Florida, Mr. REICHERT, Mr. ENGEL, Mr. POMEROY, Mr. MORAN of Virginia, Mr. MELANCON, Mr. WELCH of Vermont, Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. PASTOR, Mrs. TAUSCHER, Mr. MURPHY of Connecticut, Ms. BEAN, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mr. ALTMIRE, and Mr. DONNELLY

DECEMBER 19, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 1, 2007]

A BILL

To establish consumer product safety standards and other safety requirements for children’s products and to reauthorize and modernize the Consumer Product Safety Commission.

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.—This Act may be cited as the*
 5 *“Consumer Product Safety Modernization Act”.*

6 (b) *TABLE OF CONTENTS.—The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. Authority to issue implementing regulations.

TITLE I—CHILDREN’S PRODUCT SAFETY

Sec. 101. Ban on children’s products containing lead; lead paint rule.

Sec. 102. Mandatory third-party testing for certain children’s products.

Sec. 103. Tracking labels for children’s products.

Sec. 104. Standards and consumer registration of durable nursery products.

Sec. 105. Labeling requirement for certain internet and catalogue advertising of toys and games.

Sec. 106. Study of preventable injuries and deaths in minority children related to consumer products.

Sec. 107. Review of generally-applicable standards for toys.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. Reauthorization of the Commission.

Sec. 202. Structure and quorum.

Sec. 203. Submission of copy of certain documents to Congress.

Sec. 204. Expedited rulemaking.

Sec. 205. Public disclosure of information.

Sec. 206. Publicly available information on incidents involving injury or death.

Sec. 207. Prohibition on stockpiling under other Commission-enforced statutes.

Sec. 208. Notification of noncompliance with any Commission-enforced statute.

Sec. 209. Enhanced recall authority and corrective action plans.

Sec. 210. Website notice, notice to third party internet sellers, and radio and television notice.

Sec. 211. Inspection of certified proprietary laboratories.

Sec. 212. Identification of manufacturer, importers, retailers, and distributors.

Sec. 213. Export of recalled and non-conforming products.

Sec. 214. Prohibition on sale of recalled products.

Sec. 215. Increased civil penalty.

Sec. 216. Criminal penalties to include asset forfeiture.

Sec. 217. Enforcement by State attorneys general.

Sec. 218. Effect of rules on preemption.

Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.

Sec. 220. Inspector General authority and accessibility.

Sec. 221. Repeal.

Sec. 222. Industry-sponsored travel ban.

Sec. 223. Annual reporting requirement.

Sec. 224. Study on the effectiveness of authority relating to imported products.

1 SEC. 2. REFERENCES.

2 (a) *COMMISSION.*—As used in this Act, the term “Com-
3 mission” means the Consumer Product Safety Commission.

4 (b) *CONSUMER PRODUCT SAFETY ACT.*—Except as
5 otherwise expressly provided, whenever in this Act an
6 amendment is expressed as an amendment to a section or
7 other provision, the reference shall be considered to be made
8 to a section or other provision of the Consumer Product
9 Safety Act (15 U.S.C. 2051 et seq.).

10 (c) *RULE.*—In this Act and the amendments made by
11 this Act, a reference to any rule under any Act enforced

1 *by the Commission shall be considered a reference to any*
2 *rule, standard, ban, or order under any such Act.*

3 **SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULA-**
4 **TIONS.**

5 *The Commission may issue regulations, as necessary,*
6 *to implement this Act and the amendments made by this*
7 *Act.*

8 **TITLE I—CHILDREN’S PRODUCT**
9 **SAFETY**

10 **SEC. 101. BAN ON CHILDREN’S PRODUCTS CONTAINING**
11 **LEAD; LEAD PAINT RULE.**

12 *(a) CHILDREN’S PRODUCTS CONTAINING LEAD.—*

13 *(1) BANNED HAZARDOUS SUBSTANCE.—Effective*
14 *180 days after the date of enactment of this Act, any*
15 *children’s product containing more than the amounts*
16 *of lead set forth in paragraph (2) shall be a banned*
17 *hazardous substance within the meaning of section*
18 *2(q)(1) of the Federal Hazardous Substances Act (15*
19 *U.S.C. 1261(q)(1)).*

20 *(2) STANDARD FOR AMOUNT OF LEAD.—The*
21 *amounts of lead referred to in paragraph (1) shall*
22 *be—*

23 *(A) 600 parts per million total lead content*
24 *by weight for any part of the product;*

1 (B) 300 parts per million total lead content
2 by weight for any part of the product, effective
3 2 years after the date of enactment of this Act;
4 and

5 (C) 100 parts per million total lead content
6 by weight for any part of the product, effective
7 4 years after the date of enactment of this Act,
8 unless the Commission determines, after notice
9 and a hearing, that a standard of 100 parts per
10 million is not feasible, in which case the Com-
11 mission shall require the lowest amount of lead
12 that the Commission determines is feasible to
13 achieve.

14 (3) COMMISSION REVISION TO MORE PROTECTIVE
15 STANDARD.—

16 (A) MORE PROTECTIVE STANDARD.—The
17 Commission may, by rule, revise the standard set
18 forth in paragraph (2)(C) for any class of chil-
19 dren's products to any level and form that the
20 Commission determines is—

21 (i) more protective of human health;
22 and
23 (ii) feasible to achieve.

24 (B) PERIODIC REVIEW.—The Commission
25 shall, based on the best available scientific and

1 *technical information, periodically review and*
2 *revise the standard set forth in this section to re-*
3 *quire the lowest amount of lead that the Com-*
4 *mission determines is feasible to achieve.*

5 (4) *COMMISSION AUTHORITY TO EXCLUDE CER-*
6 *TAIN MATERIALS.—The Commission may, by rule, ex-*
7 *clude certain products and materials from the prohi-*
8 *bition in paragraph (1) if the Commission determines*
9 *that the lead content in such products and materials*
10 *will not result in the absorption of lead in the human*
11 *body or does not have any adverse impact on public*
12 *health or safety.*

13 (5) *DEFINITION OF CHILDREN’S PRODUCT.—*

14 (A) *IN GENERAL.—As used in this sub-*
15 *section, the term “children’s product” means a*
16 *consumer product as defined in section 3(1) of*
17 *the Consumer Product Safety Act (15 U.S.C.*
18 *2052(1)) designed or intended primarily for chil-*
19 *dren 12 years of age or younger.*

20 (B) *FACTORS TO BE CONSIDERED.—In de-*
21 *termining whether a product is primarily in-*
22 *tended for a child 12 years of age or younger, the*
23 *following factors shall be considered:*

24 (i) *A statement by a manufacturer*
25 *about the intended use of such product, in-*

1 *cluding a label on such product if such*
2 *statement is reasonable.*

3 *(ii) Whether the product is represented*
4 *in its packaging, display or advertising as*
5 *appropriate for use by children 12 years of*
6 *age or younger.*

7 *(iii) Whether the product is commonly*
8 *recognized by consumers as being intended*
9 *for use by child 12 years of age or younger.*

10 *(iv) The Age Determination Guidelines*
11 *issued by the Commission staff in Sep-*
12 *tember 2002, and any successor thereto.*

13 *(6) EXCEPTION FOR INACCESSIBLE COMPONENT*
14 *PARTS.—The standards established under paragraph*
15 *(2) shall not apply to any component part of a chil-*
16 *dren’s product that is not accessible to a child through*
17 *normal and reasonably foreseeable use and abuse of*
18 *such product, as determined by the Commission. A*
19 *component part is not accessible under this para-*
20 *graph if such component part is not physically ex-*
21 *posed by reason of a sealed covering or casing and*
22 *does not become physically exposed through reason-*
23 *ably foreseeable use and abuse of the product. The*
24 *Commission may require that certain electronic de-*
25 *vices be equipped with a child-resistant cover or cas-*

1 *ing that prevents exposure of and accessibility to the*
2 *parts of the product containing lead if the Commis-*
3 *sion determines that it is not feasible for such prod-*
4 *ucts to otherwise meet such standards.*

5 *(b) PAINT STANDARD.—*

6 *(1) IN GENERAL.—Not later than 180 days after*
7 *the date of enactment of this Act, the Commission*
8 *shall modify section 1303.1 of title 16, Code of Fed-*
9 *eral Regulations, to—*

10 *(A) reduce the standard applicable to lead*
11 *paint by substituting “0.009 percent” for “0.06*
12 *percent” in subsection (a) of that section;*

13 *(B) apply the standard to all children’s*
14 *products as defined in subsection (a)(5); and*

15 *(C) reduce the standard for paint and other*
16 *surface coating on children’s products and fur-*
17 *niture to 0.009 milligrams per centimeter*
18 *squared.*

19 *(2) MORE PROTECTIVE STANDARD.—Not later*
20 *than 3 years after the date of enactment of this Act,*
21 *the Commission shall, by rule, revise the standard es-*
22 *tablished under paragraph (1)(C) to a more protective*
23 *standard if the Commission determines such a stand-*
24 *ard to be feasible.*

1 (c) *AUTHORITY TO EXTEND IMPLEMENTATION PERI-*
 2 *ODS.—The Commission may extend, by rule, the effective*
 3 *dates in subsections (a) and (b) by an additional period*
 4 *not to exceed 180 days if the Commission determines that—*

5 (1) *there is no impact on public health or safety*
 6 *from extending the implementation period; and*

7 (2)(A) *the complete implementation of the new*
 8 *standards by manufacturers subject to such standards*
 9 *is not feasible within 180 days;*

10 (B) *the cost of such implementation, particularly*
 11 *on small and medium sized enterprises, is excessive;*
 12 *or*

13 (C) *the Commission requires additional time to*
 14 *implement such standards and determine the required*
 15 *testing methodologies and appropriate exceptions in*
 16 *order to enforce such standards.*

17 **SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CER-**
 18 **TAIN CHILDREN’S PRODUCTS.**

19 (a) *MANDATORY AND THIRD-PARTY TESTING.—Sec-*
 20 *tion 14(a) (15 U.S.C. 2063(a)) is amended—*

21 (1) *in paragraph (1)—*

22 (A) *by striking “Every manufacturer” and*
 23 *inserting “Except as provided in paragraph (2),*
 24 *every manufacturer”;* and

1 (B) by striking “standard under this Act”
2 and inserting “rule under this Act or similar
3 rule under any other Act enforced by the Com-
4 mission”;

5 (2) by redesignating paragraph (2) as para-
6 graph (3) and inserting after paragraph (1) the fol-
7 lowing:

8 “(2) Effective 1 year after the date of enactment
9 of the Consumer Product Safety Modernization Act,
10 every manufacturer of a children’s product (and the
11 private labeler of such children’s product if such prod-
12 uct bears a private label) which is subject to a con-
13 sumer product safety rule under this Act or a similar
14 rule or standard under any other Act enforced by the
15 Commission, shall—

16 “(A) have the product tested by a inde-
17 pendent third party qualified to perform such
18 tests or a proprietary laboratory certified by the
19 Commission under subsection (e) ; and

20 “(B) issue a certificate which shall—

21 “(i) certify that such product conforms
22 to such standards or rules; and

23 “(ii) specify the applicable consumer
24 product safety standards or other similar
25 rules.”; and

1 (3) *in paragraph (3) (as so redesignated)*—

2 (A) *by striking “required by paragraph (1)*
3 *of this subsection” and inserting “required by*
4 *paragraph (1) or (2) (as the case may be)”*; and

5 (B) *by striking “requirement under para-*
6 *graph (1)” and inserting “requirement under*
7 *paragraph (1) or (2) (as the case may be)”*.

8 (b) *DEFINITION OF CHILDREN’S PRODUCTS AND INDE-*
9 *PENDENT THIRD PARTY.*—Section 14 (15 U.S.C. 2063) is
10 *amended by adding at the end the following:*

11 “(d) *DEFINITIONS.*—*In this section, the following defi-*
12 *initions apply:*

13 “(1) *The term ‘children’s product’ means a con-*
14 *sumer product designed or intended primarily for*
15 *children 12 years of age or younger. In determining*
16 *whether a product is primarily intended for a child*
17 *12 years of age or younger, the following factors shall*
18 *be considered:*

19 “(A) *A statement by a manufacturer about*
20 *the intended use of such product, including a*
21 *label on such product if such statement is reason-*
22 *able.*

23 “(B) *Whether the product is represented in*
24 *its packaging, display or advertising as appro-*

1 *priate for use by children 12 years of age or*
2 *younger.*

3 *“(C) Whether the product is commonly rec-*
4 *ognized by consumers as being intended for use*
5 *by child 12 years of age or younger.*

6 *“(D) The Age Determination Guidelines*
7 *issued by the Commission staff in September*
8 *2002, and any successor thereto.*

9 *“(2) The term ‘independent third party’, means*
10 *an independent testing entity that is not owned, man-*
11 *aged, controlled, or directed by such manufacturer or*
12 *private labeler, and that is accredited in accordance*
13 *with an accreditation process established or recog-*
14 *nized by the Commission. In the case of certification*
15 *of art material or art material products required*
16 *under this section or under regulations issued under*
17 *the Federal Hazardous Substances Act, such term in-*
18 *cludes a certifying organization, as such term is de-*
19 *finied in appendix A to section 1500.14(b)(8) of title*
20 *16, Code of Federal Regulations.”.*

21 *(c) CERTIFICATION OF PROPRIETARY LABORA-*
22 *TORIES.—Section 14 (15 U.S.C. 2063) is further amended*
23 *by adding at the end the following:*

24 *“(e) CERTIFICATION OF PROPRIETARY LABORATORIES*
25 *FOR MANDATORY TESTING.—*

1 “(1) *CERTIFICATION.*—Upon request, the Com-
2 mission, or an independent standard-setting organi-
3 zation to which the Commission has delegated such
4 authority, may certify a laboratory that is owned,
5 managed, controlled, or directed by the manufacturer
6 or private labeler for purposes of testing required
7 under this section if the Commission determines
8 that—

9 “(A) certification of the laboratory would
10 provide equal or greater consumer safety protec-
11 tion than the manufacturer’s use of an inde-
12 pendent third party laboratory;

13 “(B) the laboratory has established proce-
14 dures to ensure that the laboratory is protected
15 from undue influence, including pressure to mod-
16 ify or hide test results, by the manufacturer or
17 private labeler; and

18 “(C) the laboratory has established proce-
19 dures for confidential reporting of allegations of
20 undue influence to the Commission.

21 “(2) *DECERTIFICATION.*—The Commission, or an
22 independent standard-setting organization to which
23 the Commission has delegated such authority, may
24 decertify any laboratory certified under paragraph
25 (1) if the Commission finds, after notice and inves-

1 *tigation, that a manufacturer or private labeler has*
2 *exerted undue influence on the laboratory.”.*

3 *(d) CONFORMING AMENDMENTS.—Section 14(b) (15*
4 *U.S.C. 2063(b)) is amended—*

5 *(1) by striking “standards under this Act” and*
6 *inserting “rules under this Act or similar rules under*
7 *any other Act enforced by the Commission”; and*

8 *(2) by striking “, at the option of the person re-*
9 *quired to certify the product,” and inserting “be re-*
10 *quired by the Commission to”.*

11 **SEC. 103. TRACKING LABELS FOR CHILDREN’S PRODUCTS.**

12 *Section 14(a) (15 U.S.C. 2063(a)) is further amended*
13 *by adding at the end the following:*

14 *“(4) Effective 1 year after the date of enactment*
15 *of the Consumer Product Safety Modernization Act,*
16 *the manufacturer of a children’s product shall, to the*
17 *extent feasible, place distinguishing marks on the*
18 *product and its packaging that will enable the manu-*
19 *facturer and the ultimate purchaser to ascertain the*
20 *location and date of production of the product, and*
21 *any other information determined by the manufac-*
22 *turer to facilitate ascertaining the specific source of*
23 *the product by reference to those marks.”.*

1 **SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF**
2 **DURABLE NURSERY PRODUCTS.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Danny Keysar Child Product Safety Notification Act”.*

5 (b) *SAFETY STANDARDS.*—

6 (1) *IN GENERAL.*—*The Commission shall—*

7 (A) *in consultation with representatives of*
8 *consumer groups, juvenile product manufactur-*
9 *ers, and independent child product engineers and*
10 *experts, examine and assess the effectiveness of*
11 *any voluntary consumer product safety stand-*
12 *ards for durable infant or toddler product; and*

13 (B) *in accordance with section 553 of title*
14 *5, United States Code, promulgate consumer*
15 *product safety rules that—*

16 (i) *are substantially the same as such*
17 *voluntary standards; or*

18 (ii) *are more stringent than such vol-*
19 *untary standards, if the Commission deter-*
20 *mines that more stringent standards would*
21 *further reduce the risk of injury associated*
22 *with such products.*

23 (2) *TIMETABLE FOR RULEMAKING.*—*Not later*
24 *than 1 year after the date of enactment of this Act,*
25 *the Commission shall commence the rulemaking re-*
26 *quired under paragraph (1) and shall promulgate*

1 *rules for no fewer than 2 categories of durable nursery*
2 *products every 6 months thereafter, beginning with*
3 *the product categories that the Commission deter-*
4 *mines to be of highest priority, until the Commission*
5 *has promulgated standards for all such product cat-*
6 *egories. Thereafter, the Commission shall periodically*
7 *review and revise the rules set forth under this sub-*
8 *section to ensure that such rules provide the highest*
9 *level of safety for such products that is feasible.*

10 *(c) CONSUMER REGISTRATION REQUIREMENT.—*

11 *(1) RULEMAKING.—Not later than 1 year after*
12 *the date of enactment of this Act, the Commission*
13 *shall, pursuant to its authority under section 16(b) of*
14 *the Consumer Product Safety Act (15 U.S.C.*
15 *2065(b)), promulgate a final consumer product safety*
16 *rule to require manufacturers of durable infant or*
17 *toddler products—*

18 *(A) to provide consumers with a postage-*
19 *paid consumer registration form with each such*
20 *product;*

21 *(B) to maintain a record of the names, ad-*
22 *resses, email addresses, and other contact infor-*
23 *mation of consumers who register their owner-*
24 *ship of such products with the manufacturer in*

1 *order to improve the effectiveness of manufac-*
2 *turer campaigns to recall such products; and*

3 *(C) to permanently place the manufacturer*
4 *name and contact information, model name and*
5 *number, and the date of manufacture on each*
6 *durable infant or toddler product.*

7 (2) *REQUIREMENTS FOR REGISTRATION FORM.—*
8 *The registration form required to be provided to con-*
9 *sumers under subsection (a) shall—*

10 *(A) include spaces for a consumer to pro-*
11 *vide their name, address, telephone number, and*
12 *email address;*

13 *(B) include space sufficiently large to per-*
14 *mit easy, legible recording of all desired informa-*
15 *tion;*

16 *(C) be attached to the surface of each dura-*
17 *ble infant or toddler product so that, as a prac-*
18 *tical matter, the consumer must notice and han-*
19 *dle the form after purchasing the product;*

20 *(D) include the manufacturer's name, model*
21 *name and number for the product, and the date*
22 *of manufacture;*

23 *(E) include a message explaining the pur-*
24 *pose of the registration and designed to encour-*
25 *age consumers to complete the registration;*

1 (F) include an option for consumers to reg-
2 ister through the Internet; and

3 (G) include a statement that information
4 provided by the consumer shall not be used for
5 any purpose other than to facilitate a recall of
6 or safety alert regarding that product.

7 In issuing regulations under this section, the Com-
8 mission may prescribe the exact text and format of
9 the required registration form.

10 (3) *RECORD KEEPING AND NOTIFICATION RE-*
11 *QUIREMENTS.—The standard required under this sec-*
12 *tion shall require each manufacturer of a durable in-*
13 *fant or toddler product to maintain a record of reg-*
14 *istrants for each product manufactured that includes*
15 *all of the information provided by each consumer reg-*
16 *istered, and to use such information to notify such*
17 *consumers in the event of a voluntary or involuntary*
18 *recall of or safety alert regarding such product. Each*
19 *manufacturer shall maintain such a record for a pe-*
20 *riod of not less than 6 years after the date of manu-*
21 *facture of the product. Consumer information collected*
22 *by a manufacturer under this Act may not be used*
23 *by the manufacturer, nor disseminated by such man-*
24 *ufacturer to any other party, for any purpose other*

1 *than notification to such consumer in the event of a*
2 *product recall or safety alert.*

3 (4) *STUDY.*—*The Commission shall conduct a*
4 *study at such time as it considers appropriate on the*
5 *effectiveness of the consumer registration forms in fa-*
6 *cilitating product recalls and whether such registra-*
7 *tion forms should be required for other children’s*
8 *products. Not later than 4 years after the date of en-*
9 *actment of this Act, the Commission shall report its*
10 *findings to Congress.*

11 (d) *DEFINITION OF DURABLE INFANT OR TODDLER*
12 *PRODUCT.*—*As used in this section, the term “durable in-*
13 *fant or toddler product”—*

14 (1) *means a durable product intended for use, or*
15 *that may be reasonably expected to be used, by chil-*
16 *dren under the age of 5 years; and*

17 (2) *shall include—*

18 (A) *full-size cribs and nonfull-size cribs;*

19 (B) *toddler beds;*

20 (C) *high chairs, booster chairs, and hook-on*
21 *chairs;*

22 (D) *bath seats;*

23 (E) *gates and other enclosures for confining*
24 *a child;*

25 (F) *play yards;*

- 1 (G) stationary activity centers;
2 (H) infant carriers;
3 (I) strollers;
4 (J) walkers;
5 (K) swings; and
6 (L) bassinets and cradles.

7 **SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTER-**
8 **NET AND CATALOGUE ADVERTISING OF TOYS**
9 **AND GAMES.**

10 Section 24 of the Federal Hazardous Substances Act
11 (15 U.S.C. 1278) is amended—

12 (1) by redesignating subsections (c) and (d) as
13 subsections (d) and (e), respectively;

14 (2) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) *INTERNET, CATALOGUE, AND OTHER ADVER-*
17 *TISING.—*

18 “(1) *REQUIREMENT.—Effective 180 days after*
19 *the Consumer Product Safety Modernization Act, any*
20 *advertisement of a retailer, manufacturer, importer,*
21 *distributor, private labeler, or licensor that provides*
22 *a direct means for the purchase or ordering of any*
23 *toy, game, balloon, small ball, or marble that requires*
24 *a cautionary statement under subsections (a) and (b),*
25 *including advertisement on Internet websites or in*

1 catalogues or other distributed materials, shall in-
2 clude the appropriate cautionary statement required
3 under such subsections in its entirety displayed on or
4 immediately adjacent to such advertisement. Such
5 cautionary statement shall be displayed in the lan-
6 guage that is primarily used in the advertisement,
7 catalogue, or Internet website, and in a clear and
8 conspicuous manner consistent with part 1500 of title
9 16, Code of Federal Regulations (or a successor regu-
10 lation thereto).

11 “(2) *ENFORCEMENT.*—The requirement in para-
12 graph (1) shall be treated as a consumer product safe-
13 ty rule promulgated under section 7 of the Consumer
14 Product Safety Act (15 U.S.C. 2056) and the publica-
15 tion or distribution of any advertisement that is not
16 in compliance with the requirements of paragraph (1)
17 shall be treated as a prohibited act under section 19
18 of such Act (15 U.S.C. 2068).

19 “(3) *RULEMAKING.*—Not later than 180 days
20 after the date of enactment of Consumer Product
21 Safety Modernization Act, the Commission shall, by
22 rule, modify the requirement under paragraph (1)
23 with regard to catalogues or other printed materials
24 concerning the size and placement of the cautionary
25 statement required under such paragraph as appro-

1 *appropriate relative to the size and placement of the adver-*
 2 *tisements in such printed materials. The Commission*
 3 *may, under such rule, provide a grace period for*
 4 *catalogues and printed materials printed prior to the*
 5 *effective date in paragraph (1) during which time*
 6 *distribution of such printed materials shall not be*
 7 *considered a violation of such paragraph.”.*

8 **SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS**
 9 **IN MINORITY CHILDREN RELATED TO CON-**
 10 **SUMER PRODUCTS.**

11 (a) *IN GENERAL.*—*Not later than 90 days after the*
 12 *date of the enactment of this Act, the Comptroller General*
 13 *shall initiate a study to assess disparities in the risks and*
 14 *incidence of preventable injuries and deaths among children*
 15 *of minority populations, including Black, Hispanic, Amer-*
 16 *ican Indian, Alaskan native, and Asian/Pacific Islander*
 17 *children in the United States. The Comptroller General*
 18 *shall consult with the Commission as necessary.*

19 (b) *REQUIREMENTS.*—*The study shall examine the ra-*
 20 *cial disparities of the rates of preventable injuries and*
 21 *deaths related to suffocation, poisonings, and drownings as-*
 22 *sociated with the use of cribs, mattresses and bedding mate-*
 23 *rials, swimming pools and spas, and toys and other prod-*
 24 *ucts intended for use by children.*

1 (c) *REPORT.*—Not later than 1 year after the date of
2 *the enactment of this Act, the Comptroller General shall re-*
3 *port the findings to the Committee on Energy and Com-*
4 *merce of the House of Representatives and the Committee*
5 *on Commerce, Science, and Transportation of the Senate.*
6 *The report shall include—*

7 (1) *the Comptroller General’s findings on the in-*
8 *cidence of preventable risks of injuries and deaths*
9 *among children of minority populations and rec-*
10 *ommendations for minimizing such risks;*

11 (2) *recommendations for public outreach, aware-*
12 *ness, and prevention campaigns specifically aimed at*
13 *racial minority populations; and*

14 (3) *recommendations for education initiatives*
15 *that may reduce statistical disparities.*

16 **SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS**
17 **FOR TOYS.**

18 (a) *ASSESSMENT.*—*The Commission shall examine*
19 *and assess the effectiveness of the safety standard for toys,*
20 *ASTM–International standard F963–07, or its successor*
21 *standard, to determine—*

22 (1) *the scope of such standards, including the*
23 *number and type of toys to which such standards*
24 *apply;*

1 (2) *the degree of adherence to such standards on*
2 *the part of manufacturers; and*

3 (3) *the adequacy of such standards in protecting*
4 *children from safety hazards.*

5 (b) *SPECIAL FOCUS ON MAGNETS.—In conducting the*
6 *assessment required under subsection (a), the Commission*
7 *shall first examine the effectiveness of the F963–07 standard*
8 *as it relates to intestinal blockage and perforation hazards*
9 *caused by ingestion of magnets. If the Commission deter-*
10 *mines based on the review that there is substantial non-*
11 *compliance with such standard that creates an unreason-*
12 *able risk of injury or hazard to children, the Commission*
13 *shall expedite a rulemaking to consider the adoption, as a*
14 *consumer product safety rule, of the voluntary safety stand-*
15 *ards contained within the ASTM F963-07, or its successor*
16 *standard, that relate to intestinal blockage and perforation*
17 *hazards caused by ingestion of magnets.*

18 (c) *REPORT.—Not later than 2 years after the date of*
19 *enactment of this Act, the Commission shall report to Con-*
20 *gress the findings of the study conducted pursuant to sub-*
21 *section (a). Such report shall include the Commission’s*
22 *opinion regarding—*

23 (1) *the feasibility of requiring manufacturer test-*
24 *ing of all toys to such standards; and*

1 (2) *whether promulgating consumer product safe-*
2 *ty rules that are substantially similar or more strin-*
3 *gent than the standards described in such subsection*
4 *would be beneficial to public health and safety.*

5 **TITLE II—CONSUMER PRODUCT**
6 **SAFETY COMMISSION REFORM**

7 **SEC. 201. REAUTHORIZATION OF THE COMMISSION.**

8 (a) *AUTHORIZATION OF APPROPRIATIONS.—Sub-*
9 *sections (a) and (b) of section 32 (15 U.S.C. 2081) are*
10 *amended to read as follows:*

11 “(a) *There are authorized to be appropriated to the*
12 *Commission for the purpose of carrying out the provisions*
13 *of this Act and any other provision of law the Commission*
14 *is authorized or directed to carry out—*

15 “(1) *\$80,000,000 for fiscal year 2009;*

16 “(2) *\$90,000,000 for fiscal year 2010; and*

17 “(3) *\$100,000,000 for fiscal year 2011.*

18 “(b) *In addition to the amounts specified in subsection*
19 *(a), there are authorized to be appropriated \$20,000,000 to*
20 *the Commission for fiscal years 2009 through 2011, for the*
21 *purpose of renovation, repair, reconstruction, re-equipping,*
22 *and making other necessary capital improvements to the*
23 *Commission’s research, development, and testing facility*
24 *(including bringing the facility into compliance with appli-*
25 *cable environmental, safety, and accessibility standards).”.*

1 (b) *REPORT TO CONGRESS.*—Not later than 180 days
2 *after the date of enactment of this Act, the Commission shall*
3 *transmit to Congress a report of its plans to allocate the*
4 *funding authorized by subsection (a). Such report shall in-*
5 *clude—*

6 (1) *the number of full-time inspectors and other*
7 *full-time equivalents the Commission intends to em-*
8 *ploy;*

9 (2) *the plan of the Commission for risk assess-*
10 *ment and inspection of imported consumer products;*

11 (3) *an assessment of the feasibility of mandating*
12 *bonds for serious hazards and repeat offenders and*
13 *Commission inspection and certification of foreign*
14 *third-party and proprietary testing facilities; and*

15 (4) *the efforts of the Commission to reach and*
16 *educate retailers of second-hand products and infor-*
17 *mal sellers, such as thrift shops and yard sales, con-*
18 *cerning consumer product safety standards and prod-*
19 *uct recalls, especially those relating to durable nurs-*
20 *ery products, in order to prevent the resale of any*
21 *products that have been recalled, including the devel-*
22 *opment of educational materials for distribution not*
23 *later than 1 year after the date of enactment of this*
24 *Act.*

1 **SEC. 202. STRUCTURE AND QUORUM.**

2 (a) *EXTENSION OF TEMPORARY QUORUM.*—Notwith-
3 standing section 4(d) of the Consumer Product Safety Act
4 (15 U.S.C. 2053(d)), 2 members of the Commission, if they
5 are not affiliated with the same political party, shall con-
6 stitute a quorum for the transaction of business for the pe-
7 riod beginning on the date of enactment of this Act
8 through—

9 (1) August 3, 2008, if the President nominates a
10 person to fill a vacancy on the Commission prior to
11 such date; or

12 (2) the earlier of—

13 (A) 3 months after the date on which the
14 President nominates a person to fill a vacancy
15 on the Commission after such date; or

16 (B) February 3, 2009.

17 (b) *REPEAL OF LIMITATION.*—The first proviso in the
18 account under the heading “CONSUMER PRODUCT SAFETY
19 COMMISSION, SALARIES AND EXPENSES” in title III of
20 Public Law 102–389 (15 U.S.C. 2053 note) shall cease to
21 be in effect after fiscal year 2010.

22 **SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS**
23 **TO CONGRESS.**

24 (a) *IN GENERAL.*—Notwithstanding any rule, regula-
25 tion, or order to the contrary, the Commission shall comply
26 with the requirements of section 27(k) of the Consumer

1 *Product Safety Act (15 U.S.C. 2076) with respect to budget*
2 *recommendations, legislative recommendations, testimony,*
3 *and comments on legislation submitted by the Commission*
4 *to the President or the Office of Management and Budget*
5 *after the date of enactment of this Act.*

6 (b) *REINSTATEMENT OF REQUIREMENT.*—Section
7 *3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is*
8 *amended—*

9 (1) *by striking “or” after the semicolon in para-*
10 *graph (31);*

11 (2) *by redesignating paragraph (32) as (33); and*

12 (3) *by inserting after paragraph (31) the fol-*
13 *lowing:*

14 “(32) *section 27(k) of the Consumer Product*
15 *Safety Act (15 U.S.C. 2076(k)); or”.*

16 **SEC. 204. EXPEDITED RULEMAKING.**

17 (a) *RULEMAKING UNDER THE CONSUMER PRODUCT*
18 *SAFETY ACT.*—

19 (1) *ADVANCE NOTICE OF PROPOSED RULEMAKING*
20 *REQUIREMENT.*—Section 9 (15 U.S.C. 2058) is
21 *amended—*

22 (A) *by striking “shall be commenced” in*
23 *subsection (a) and inserting “may be com-*
24 *menced”;*

1 (B) by striking “in the notice” in subsection
2 (b) and inserting “in a notice”;

3 (C) by striking “unless, not less than 60
4 days after publication of the notice required in
5 subsection (a), the” in subsection (c) and insert-
6 ing “unless the”;

7 (D) by inserting “or notice of proposed rule-
8 making” after “advance notice of proposed rule-
9 making” in subsection (c); and

10 (E) by striking “an advance notice of pro-
11 posed rulemaking under subsection (a) relating
12 to the product involved,” in the third sentence of
13 subsection (c) and inserting “the notice”.

14 (2) *CONFORMING AMENDMENT.*—Section 5(a)(3)
15 (15 U.S.C. 2054(a)(3)) is amended by striking “an
16 advance notice of proposed rulemaking or”.

17 (b) *RULEMAKING UNDER FEDERAL HAZARDOUS SUB-*
18 *STANCES ACT.*—

19 (1) *IN GENERAL.*—Section 3(a)(1) of the *Federal*
20 *Hazardous Substances Act* (15 U.S.C. 1262(a)(1)) is
21 amended to read as follows:

22 “(1) Whenever in the judgment of the Commission such
23 action will promote the objectives of this Act by avoiding
24 or resolving uncertainty as to its application, the Commis-
25 sion may by regulation declare to be a hazardous substance,

1 *for the purposes of this Act, any substance or mixture of*
2 *substances, which the Commission finds meets the require-*
3 *ments section 2(f)(1)(A).”.*

4 (2) *PROCEDURE.—*

5 (A) *Section 2(q)(2) of the Federal Haz-*
6 *ardous Substances Act (15 U.S.C. 1261(q)(2)) is*
7 *amended by striking “Proceedings for the*
8 *issuance, amendment, or repeal of regulations*
9 *pursuant to clause (B) of subparagraph (1) of*
10 *this paragraph shall be governed by the provi-*
11 *sions of sections 701(e), (f), and (g) of the Fed-*
12 *eral Food, Drug, and Cosmetic Act: Provided,*
13 *That if” and inserting “Proceedings for the*
14 *issuance, amendment, or repeal of regulations*
15 *pursuant to clause (B) of subparagraph (1) of*
16 *this paragraph shall be governed by the provi-*
17 *sions of subsections (f) through (i) of section 3 of*
18 *this Act, except that if”.*

19 (B) *Section 3(a)(2) of the Federal Haz-*
20 *ardous Substances Act (15 U.S.C. 1262(a)(2)) is*
21 *amended to read as follows:*

22 “(2) *Proceedings for the issuance, amendment, or re-*
23 *peal of regulations under this subsection and the admissi-*
24 *bility of the record of such proceedings in other proceedings,*

1 *shall be governed by the provisions of subsections (f) through*
2 *(i) of this section.”.*

3 (3) *ADVANCE NOTICE OF PROPOSED RULEMAKING*
4 *REQUIREMENT.—Section 3 of the Federal Hazardous*
5 *Substances Act (15 U.S.C. 1262) is amended—*

6 (A) *by striking “shall be commenced” in*
7 *subsection (f) and inserting “may be com-*
8 *menced”;*

9 (B) *by striking “in the notice” in subsection*
10 *(g)(1) and inserting “in a notice”; and*

11 (C) *by striking “unless, not less than 60*
12 *days after publication of the notice required in*
13 *subsection (f), the” in subsection (h) and insert-*
14 *ing “unless the”.*

15 (4) *CONFORMING AMENDMENTS.—The Federal*
16 *Hazardous Substances Act (15 U.S.C. 1261 et seq.) is*
17 *amended—*

18 (A) *by striking subsection (d) of section 2*
19 *and inserting the following:*

20 *“(d) The term ‘Commission’ means the Consumer*
21 *Product Safety Commission.”;*

22 (B) *by striking “Secretary” each place it*
23 *appears and inserting “Commission” except—*

24 (i) *in section 10(b) (15 U.S.C.*
25 *1269(b));*

1 (ii) in section 14 (15 U.S.C. 1273);

2 and

3 (iii) in section 21(a) (15 U.S.C.
4 1276(a));

5 (C) by striking “Department” each place it
6 appears, except in section 14(b), and inserting
7 “Commission”;

8 (D) by striking “he” and “his” each place
9 they appear in reference to the Secretary and in-
10 serting “it” and “its”, respectively;

11 (E) by striking “Secretary of Health, Edu-
12 cation, and Welfare” each place it appears in
13 section 10(b) (15 U.S.C. 1269(b)) and inserting
14 “Commission”;

15 (F) by striking “Secretary of Health, Edu-
16 cation, and Welfare” each place it appears in
17 section 14 (15 U.S.C. 1273) and inserting “Com-
18 mission”;

19 (G) by striking “Department of Health,
20 Education, and Welfare” in section 14(b) (15
21 U.S.C. 1273(b)) and inserting “Commission”;

22 (H) by striking “Consumer Product Safety
23 Commission” each place it appears and insert-
24 ing “Commission”; and

1 (I) by striking “(hereinafter in this section
2 referred to as the ‘Commission’)” in section
3 20(a)(1) (15 U.S.C. 1275(a)(1)).

4 (c) *RULEMAKING UNDER THE FLAMMABLE FABRICS*
5 *ACT.*—

6 (1) *IN GENERAL.*—Section 4 of the *Flammable*
7 *Fabrics Act* (15 U.S.C. 1193) is amended—

8 (A) by striking “shall be commenced” and
9 inserting “may be commenced by a notice of pro-
10 posed rulemaking or”;

11 (B) in subsection (i), by striking “unless,
12 not less than 60 days after publication of the no-
13 tice required in subsection (g), the” and insert-
14 ing “unless the”.

15 (2) *OTHER CONFORMING AMENDMENTS.*—The
16 *Flammable Fabrics Act* (15 U.S.C. 1193 et seq.) is
17 further amended—

18 (A) by striking subsection (i) of section 2
19 and inserting the following:

20 “(i) The term ‘Commission’ means the Consumer
21 *Product Safety Commission.*”;

22 (B) by striking “Secretary of Commerce”
23 each place it appears and inserting “the Com-
24 mission”;

1 (C) by striking “Secretary” each place it
2 appears, except in sections 9 and 14, and insert-
3 ing “Commission”;

4 (D) by striking “he” and “his” each place
5 either term appears in reference to the secretary
6 and insert “it” and “its”, respectively;

7 (E) in section 4(e), by striking paragraph
8 (5) and redesignating paragraph (6) as para-
9 graph (5);

10 (F) in section 15, by striking “Consumer
11 Product Safety Commission (hereinafter referred
12 to as the ‘Commission’)” and inserting “Com-
13 mission”;

14 (G) by striking section 16(d) and inserting
15 the following:

16 “(d) In this section, a reference to a flammability
17 standard or other regulation for a fabric, related materials,
18 or product in effect under this Act includes a standard of
19 flammability continued in effect by section 11 of the Act
20 of December 14, 1967 (Public Law 90–189).”; and

21 (H) in section 17, by striking “Consumer
22 Product Safety Commission” and inserting
23 “Commission”.

24 **SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.**

25 Section 6(b) (15 U.S.C. 2055(b)) is amended—

1 (1) *in paragraph (1)—*

2 (A) *by striking “30 days” and inserting*
3 *“15 days”;*

4 (B) *by striking “finds that the public” and*
5 *inserting “publishes a finding that the public”;*
6 *and*

7 (C) *by striking “and publishes such a find-*
8 *ing in the Federal Register”;*

9 (2) *in paragraph (2)—*

10 (A) *by striking “10 days” and inserting “5*
11 *days”;*

12 (B) *by striking “finds that the public” and*
13 *inserting “publishes a finding that the public”;*
14 *and*

15 (C) *by striking “and publishes such a find-*
16 *ing in the Federal Register”;*

17 (3) *in paragraph (4), by striking “section 19 (re-*
18 *lated to prohibited acts)” and inserting “any con-*
19 *sumer product safety rule under or provision of this*
20 *Act or similar rule under or provision of any other*
21 *Act administered by the Commission”; and*

22 (4) *in paragraph (5)—*

23 (A) *in subparagraph (B), by striking “; or”*
24 *and inserting a semicolon;*

1 (B) in subparagraph (C), by striking the
2 period and inserting “; or”;

3 (C) by adding at the end the following:

4 “(D) the Commission publishes a finding that
5 the public health and safety require public disclosure
6 with a lesser period of notice than is required under
7 paragraph (1).”; and

8 (D) in the matter following such subpara-
9 graph (as added by subparagraph (C)), by strik-
10 ing “section 19(a)” and inserting “any consumer
11 product safety rule under this Act or similar
12 rule under or provision of any other Act admin-
13 istered by the Commission”.

14 **SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCI-**
15 **DENTS INVOLVING INJURY OR DEATH.**

16 (a) *EVALUATION.*—The Commission shall examine and
17 assess the efficacy of the Injury Information Clearinghouse
18 maintained by the Commission pursuant to section 5(a) of
19 the Consumer Product Safety Act (15 U.S.C. 2054(a)). The
20 Commission shall determine the volume and types of pub-
21 licly available information on incidents involving consumer
22 products that result in injury, illness, or death and the ease
23 and manner in which consumers can access such informa-
24 tion.

1 (b) *IMPROVEMENT PLAN.*—As a result of the study con-
2 ducted under subsection (a), the Commission shall transmit
3 to Congress, not later than 180 days after the date of enact-
4 ment of this Act, a detailed plan for maintaining and cat-
5 egorizing such information on a searchable Internet data-
6 base to make the information more easily available and ben-
7 eficial to consumers, with due regard for the protection of
8 personal information. Such plan shall include the views of
9 the Commission regarding whether additional information,
10 such as consumer complaints, hospital or other medical re-
11 ports, and warranty claims, should be included in the data-
12 base. The plan submitted under this subsection shall include
13 a detailed implementation schedule for the database, rec-
14 ommendations for any necessary legislation, and plans for
15 a public awareness campaign to be conducted by the Com-
16 mission to increase consumer awareness of the database.

17 **SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER**
18 **COMMISSION-ENFORCED STATUTES.**

19 Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

20 (1) by inserting “or to which a rule under any
21 other law enforced by the Commission applies,” after
22 “applies,”; and

23 (2) by striking “consumer product safety” the
24 second, third, and fourth places it appears.

1 **SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY**
2 **COMMISSION-ENFORCED STATUTE.**

3 *Section 15(b) (15 U.S.C. 2064(b)) is amended—*

4 *(1) by redesignating paragraphs (2) and (3) as*
5 *paragraphs (3) and (4), respectively;*

6 *(2) by inserting after paragraph (1) the fol-*
7 *lowing:*

8 *“(2) fails to comply with any other rule affecting*
9 *health and safety promulgated by the Commission*
10 *under the Federal Hazardous Substances Act, the*
11 *Flammable Fabrics Act, or the Poison Prevention*
12 *Packaging Act;”;* and

13 *(3) by adding at the end the following sentence:*

14 *“A report provided under this paragraph (2) may not*
15 *be used as the basis for criminal prosecution under*
16 *section 5 of the Federal Hazardous Substances Act*
17 *(15 U.S.C. 1264), except for offenses which require a*
18 *showing of intent to defraud or mislead.”.*

19 **SEC. 209. ENHANCED RECALL AUTHORITY AND CORREC-**
20 **TIVE ACTION PLANS.**

21 *(a) ENHANCED RECALL AUTHORITY.—Section 15 (15*
22 *U.S.C. 2064) is amended—*

23 *(1) in subsection (c)—*

24 *(A) by striking “if the Commission” and*
25 *inserting “(1) If the Commission”;*

1 (B) by inserting “or if the Commission,
2 after notifying the manufacturer, determines a
3 product to be an imminently hazardous con-
4 sumer product and has filed an action under sec-
5 tion 12,” after “from such substantial product
6 hazard,”;

7 (C) by redesignating paragraphs (1)
8 through (3) as subparagraphs (D) through (F),
9 respectively;

10 (D) by inserting after “the following ac-
11 tions:” the following:

12 “(A) To cease distribution of the product.

13 “(B) To notify all persons that transport, store,
14 distribute, or otherwise handle the product, or to
15 which the product has been transported, sold, distrib-
16 uted, or otherwise handled, to cease immediately dis-
17 tribution of the product.

18 “(C) To notify appropriate State and local pub-
19 lic health officials.”; and

20 (E) by adding at the end the following:

21 “(2) If a district court determines, in an action filed
22 under section 12, that the product that is the subject of such
23 action is not an imminently hazardous consumer product,
24 the Commission shall rescind any order issued under this
25 subsection with respect to such product.”.

1 (2) *in subsection (f)—*

2 (A) *by striking “An order” and inserting*
3 *“(1) Except as provided in paragraph (2), an*
4 *order”;* and

5 (B) *by inserting at the end the following:*

6 “(2) *The requirement for a hearing in paragraph*
7 (1) *shall not apply to an order issued under sub-*
8 *section (c) relating to an imminently hazardous con-*
9 *sumer product with regard to which the Commission*
10 *has filed an action under section 12.”.*

11 (b) *CORRECTIVE ACTION PLANS.—Section 15(d) (15*
12 *U.S.C. 2064(d)) is amended—*

13 (1) *by inserting “(1)” after the subsection des-*
14 *ignation;*

15 (2) *by redesignating paragraphs (1), (2), and (3)*
16 *as subparagraphs (A), (B), and (C);*

17 (3) *by striking “more (A)” in subparagraph (C),*
18 *as redesignated, and inserting “more (i)”;*

19 (4) *by striking “or (B)” in subparagraph (C), as*
20 *redesignated, and inserting “or (ii)”;*

21 (5) *by striking “An order under this subsection*
22 *may” and inserting:*

23 “(2) *An order under this subsection shall”;*

24 (6) *by striking “, satisfactory to the Commis-*
25 *sion,” and inserting “, as promptly as practicable*

1 *under the circumstances, as determined by the Com-*
2 *mission, for approval by the Commission,”; and*

3 *(7) by adding at the end the following:*

4 *“(3)(A) If the Commission approves an action plan,*
5 *it shall indicate its approval in writing.*

6 *“(B) If the Commission finds that an approved action*
7 *plan is not effective or appropriate under the cir-*
8 *cumstances, or that the manufacturer, retailer, or dis-*
9 *tributor is not executing an approved action plan effec-*
10 *tively, the Commission may, by order, amend, or require*
11 *amendment of, the action plan. In determining whether an*
12 *approved plan is effective or appropriate under the cir-*
13 *cumstances, the Commission shall consider whether a repair*
14 *or replacement changes the intended functionality of the*
15 *product.*

16 *“(C) If the Commission determines, after notice and*
17 *opportunity for comment, that a manufacturer, retailer, or*
18 *distributor has failed to comply substantially with its obli-*
19 *gations under its action plan, the Commission may revoke*
20 *its approval of the action plan.”.*

21 *(c) CONTENT OF NOTICE.—Section 15 is further*
22 *amended by adding at the end the following:*

23 *“(i) Not later than 180 days after the date of enact-*
24 *ment of this Act, the Commission shall, by rule, establish*
25 *guidelines setting forth a uniform class of information to*

1 *be included in any notice required under an order under*
2 *subsection (c) or (d) of this section or under section 12.*
3 *Such guidelines shall include any information that the*
4 *Commission determines would be helpful to consumers in—*

5 “(1) *identifying the specific product that is sub-*
6 *ject to such an order;*

7 “(2) *understanding the hazard that has been*
8 *identified with such product (including information*
9 *regarding incidents or injuries known to have oc-*
10 *curred involving such product); and*

11 “(3) *understanding what remedy, if any, is*
12 *available to a consumer who has purchased the prod-*
13 *uct.*”.

14 **SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY**
15 **INTERNET SELLERS, AND RADIO AND TELE-**
16 **VISION NOTICE.**

17 *Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by*
18 *inserting “, including posting clear and conspicuous notice*
19 *on its Internet website, providing notice to any third party*
20 *Internet website on which such manufacturer, retailer, or*
21 *distributor has placed the product for sale, and announce-*
22 *ments in languages other than English and on radio and*
23 *television where the Commission determines that a substan-*
24 *tial number of consumers to whom the recall is directed*
25 *may not be reached by other notice” after “comply”.*

1 **SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LAB-**
2 **ORATORIES.**

3 *Section 16(a)(1) is amended by striking “or (B)” and*
4 *inserting “(B) any proprietary laboratories certified under*
5 *section 14(e), or (C)”.*

6 **SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORT-**
7 **ERS, RETAILERS, AND DISTRIBUTORS.**

8 *(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is fur-*
9 *ther amended by adding at the end thereof the following:*
10 *“(c) Upon request by an officer or employee duly des-*
11 *ignated by the Commission—*

12 *“(1) every importer, retailer, or distributor of a*
13 *consumer product (or other product or substance over*
14 *which the Commission has jurisdiction under this or*
15 *any other Act) shall identify the manufacturer of that*
16 *product by name, address, or such other identifying*
17 *information as the officer or employee may request, to*
18 *the extent that such information is in the possession*
19 *of the importer, retailer, or distributor; and*

20 *“(2) every manufacturer shall identify by name,*
21 *address, or such other identifying information as the*
22 *officer or employee may request—*

23 *“(A) each retailer or distributor to which*
24 *the manufacturer directly supplied a given con-*
25 *sumer product (or other product or substance*

1 *over which the Commission has jurisdiction*
2 *under this or any other Act);*

3 “(B) *each subcontractor involved in the pro-*
4 *duction or fabrication or such product or sub-*
5 *stance; and*

6 “(C) *each subcontractor from which the*
7 *manufacturer obtained a component thereof.”.*

8 **(b) COMPLIANCE REQUIRED FOR IMPORTATION.**—*Sec-*
9 *tion 17 (15 U.S.C. 2066) is amended—*

10 (1) *in subsection (g), by striking “may” and in-*
11 *serting “shall”; and*

12 (2) *in subsection (h)(2), by striking “may” and*
13 *inserting “shall, consistent with section 6,”.*

14 **SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING**
15 **PRODUCTS.**

16 **(a) IN GENERAL.**—*Section 18 (15 U.S.C. 2067) is*
17 *amended by adding at the end the following:*

18 “(c) *Notwithstanding any other provision of this sec-*
19 *tion, the Commission may prohibit, by order, a person from*
20 *exporting from the United States for purpose of sale any*
21 *consumer product, or other product or substance that is reg-*
22 *ulated under any Act enforced by the Commission, that the*
23 *Commission determines, after notice to the manufacturer—*

1 “(1) is not in conformity with an applicable
2 consumer product safety rule under this Act or a
3 similar rule under any such other Act;

4 “(2) is subject to an order issued under section
5 12 or 15 of this Act or designated as a banned haz-
6 ardous substance under the Federal Hazardous Sub-
7 stances Act (15 U.S.C. 1261 et seq.); or

8 “(3) is subject to a voluntary corrective action
9 taken by the manufacturer, in consultation with the
10 Commission, of which action the Commission has no-
11 tified the public and that would have been subject to
12 a mandatory corrective action under this or another
13 Act enforced by the Commission if voluntary action
14 had not been taken by the manufacturer,
15 unless the importing country has notified the Commission
16 that such country accepts the importation of such product,
17 provided that if the importing country has not so notified
18 the Commission within 30 days after the Commission has
19 provided notice to the importing country of the impending
20 shipment, the Commission may take such action as is ap-
21 propriate with respect to the disposition of the product
22 under the circumstances.”.

23 (b) *PROHIBITED ACT.*—Section 19(a)(10) (15 U.S.C.
24 2068(a)(10)) is amended by striking the period at the end

1 *and inserting “or violate an order of the Commission issued*
2 *under section 18(c); or”.*

3 *(c) CONFORMING AMENDMENTS TO OTHER ACTS.—*

4 *(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—*
5 *Section 5(b)(3) of the Federal Hazardous Substances*
6 *Act (15 U.S.C. 1264(b)(3)) is amended by striking*
7 *“substance presents an unreasonable risk of injury to*
8 *persons residing in the United States” and inserting*
9 *“substance is prohibited under section 18(c) of the*
10 *Consumer Product Safety Act,”.*

11 *(2) FLAMMABLE FABRICS ACT.—Section 15 of the*
12 *Flammable Fabrics Act (15 U.S.C. 1202) is amended*
13 *by adding at the end the following:*

14 *“(d) Notwithstanding any other provision of this sec-*
15 *tion, the Consumer Product Safety Commission may pro-*
16 *hibit, by order, a person from exporting from the United*
17 *States for purpose of sale any fabric, related material, or*
18 *product that the Commission determines, after notice to the*
19 *manufacturer—*

20 *“(1) is not in conformity with an applicable*
21 *consumer product safety rule under the Consumer*
22 *Product Safety Act or with a rule under this Act;*

23 *“(2) is subject to an order issued under section*
24 *12 or 15 of the Consumer Product Safety Act or des-*
25 *ignated as a banned hazardous substance under the*

1 *Federal Hazardous Substances Act (15 U.S.C. 1261 et*
2 *seq.); or*

3 *“(3) is subject to a voluntary corrective action*
4 *taken by the manufacturer, in consultation with the*
5 *Commission, of which action the Commission has no-*
6 *tified the public and that would have been subject to*
7 *a mandatory corrective action under this or another*
8 *Act enforced by the Commission if voluntary action*
9 *had not been taken by the manufacturer,*
10 *unless the importing country has notified the Commission*
11 *that such country accepts the importation of such product,*
12 *provided that if the importing country has not so notified*
13 *the Commission within 30 days after the Commission has*
14 *provided notice to the importing country of the impending*
15 *shipment, the Commission may take such action as is ap-*
16 *propriate with respect to the disposition of the product*
17 *under the circumstances.”.*

18 **SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.**

19 *Section 19(a) (as amended by section 210) (15 U.S.C.*
20 *2068(a)) is further amended—*

21 *(1) by striking paragraph (1) and inserting the*
22 *following:*

23 *“(1) sell, offer for sale, manufacture for sale, dis-*
24 *tribute in commerce, or import into the United States*
25 *any consumer product, or other product or substance*

1 *that is regulated under any other Act enforced by the*
2 *Commission, that is—*

3 *“(A) not in conformity with an applicable*
4 *consumer product safety standard under this*
5 *Act, or any similar rule under any such other*
6 *Act;*

7 *“(B) subject to voluntary corrective action*
8 *taken by the manufacturer, in consultation with*
9 *the Commission, of which action the Commission*
10 *has notified the public;*

11 *“(C) subject to an order issued under sec-*
12 *tion 12 or 15 of this Act; or*

13 *“(D) designated a banned hazardous sub-*
14 *stance under the Federal Hazardous Substances*
15 *Act (15 U.S.C. 1261 et seq.);”;*

16 *(2) by striking “or” after the semicolon in para-*
17 *graph (7);*

18 *(3) by striking “and” after the semicolon in*
19 *paragraph (8); and*

20 *(4) by striking “insulation).” in paragraph (9)*
21 *and inserting “insulation);”.*

22 **SEC. 215. INCREASED CIVIL PENALTY.**

23 *(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER*
24 *PRODUCT SAFETY COMMISSION.—*

1 (1) *INITIAL INCREASE IN MAXIMUM CIVIL PEN-*
2 *ALTIES.—*

3 (A) *TEMPORARY INCREASE.—Notwith-*
4 *standing the dollar amounts specified for max-*
5 *imum civil penalties specified in section 20(a)(1)*
6 *of the Consumer Product Safety Act (15 U.S.C.*
7 *2069(a)(1)), section 5(c)(1) of the Federal Haz-*
8 *ardous Substances Act, and section 5(e)(1) of the*
9 *Flammable Fabrics Act (15 U.S.C. 1194(e)(1)),*
10 *the maximum civil penalties for any violation*
11 *specified in such sections shall be \$5,000,000, be-*
12 *ginning on the date that is the earlier of the date*
13 *on which final regulations are issued under sec-*
14 *tion 3(b) or 360 days after the date of enactment*
15 *of this Act.*

16 (B) *EFFECTIVE DATE.—Paragraph (1) shall*
17 *cease to be in effect on the date on which the*
18 *amendments made by subsection (b)(1) shall take*
19 *effect.*

20 (2) *PERMANENT INCREASE IN MAXIMUM CIVIL*
21 *PENALTIES.—*

22 (A) *AMENDMENTS.—*

23 (i) *CONSUMER PRODUCT SAFETY*
24 *ACT.—Section 20(a)(1) (15 U.S.C.*
25 *2069(a)(1)) is amended by striking*

1 “\$1,250,000” both places it appears and in-
2 serting “\$10,000,000”.

3 (ii) *FEDERAL HAZARDOUS SUB-*
4 *STANCES ACT.*—Section 5(c)(1) of the *Fed-*
5 *eral Hazardous Substances Act* (15 U.S.C.
6 1264(c)(1)) is amended by striking
7 “\$1,250,000” both places it appears and in-
8 serting “\$10,000,000”.

9 (iii) *FLAMMABLE FABRICS ACT.*—Sec-
10 *tion 5(e)(1) of the Flammable Fabrics Act*
11 *(15 U.S.C. 1194(e)(1))* is amended by strik-
12 *ing “\$1,250,000” and inserting*
13 *“\$10,000,000”.*

14 (B) *EFFECTIVE DATE.*—*The amendments*
15 *made by paragraph (1) shall take effect on the*
16 *date that is 1 year after the earlier of—*

17 (i) *the date on which final regulations*
18 *are issued pursuant to section 3(b); or*

19 (ii) *360 days after the date of enact-*
20 *ment of this Act.*

21 (b) *DETERMINATION OF PENALTIES BY THE CON-*
22 *SUMER PRODUCT SAFETY COMMISSION.*—

23 (1) *FACTORS TO BE CONSIDERED.*—

24 (A) *CONSUMER PRODUCT SAFETY ACT.*—
25 *Section 20(b) (15 U.S.C. 2069(b)) is amended—*

1 (i) by inserting “the nature, cir-
2 cumstances, extent, and gravity of the viola-
3 tion, including” after “shall consider”;

4 (ii) by striking “products distributed,
5 and” and inserting “products distributed,”;
6 and

7 (iii) by inserting “, and such other fac-
8 tors as appropriate” before the period.

9 (B) *FEDERAL HAZARDOUS SUBSTANCES*
10 *ACT.*—Section 5(c)(3) of the *Federal Hazardous*
11 *Substances Act (15 U.S.C. 1264(c)(3))* is amend-
12 ed—

13 (i) by inserting “the nature, cir-
14 cumstances, extent, and gravity of the viola-
15 tion, including” after “shall consider”;

16 (ii) by striking “substance distributed,
17 and” and inserting “substance distrib-
18 uted,”; and

19 (iii) by inserting “, and such other fac-
20 tors as appropriate” before the period.

21 (C) *FLAMMABLE FABRICS ACT.*—Section
22 5(e)(2) of the *Flammable Fabrics Act (15 U.S.C.*
23 *1194(e)(2))* is amended—

1 (i) by striking “nature and number”
2 and inserting “nature, circumstances, ex-
3 tent, and gravity”;

4 (ii) by striking “absence of injury,
5 and” and inserting “absence of injury,”;
6 and

7 (iii) by inserting “, and such other fac-
8 tors as appropriate” before the period.

9 (2) *REGULATIONS.*—Not later than 1 year after
10 the date of enactment of this Act, and in accordance
11 with the procedures of section 553 of title 5, United
12 States Code, the Commission shall issue a final regu-
13 lation providing its interpretation of the penalty fac-
14 tors described in section 20(b) of the Consumer Prod-
15 uct Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of
16 the Federal Hazardous Substances Act (15 U.S.C.
17 1264(c)(3)), and section 5(e)(2) of the Flammable
18 Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by
19 subsection (a).

20 **SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FOR-**
21 **FEITURE.**

22 Section 21 (15 U.S.C. 2070) is amended by adding
23 at the end thereof the following:

24 “(c)(1) In addition to the penalty provided by sub-
25 section (a), the penalty for a criminal violation of this Act

1 *or any other Act enforced by the Commission may include*
2 *the forfeiture of assets associated with the violation.*

3 “(2) *In this subsection, the term ‘criminal violation’*
4 *means a violation of this Act of any other Act enforced by*
5 *the Commission for which the violator is sentenced under*
6 *this section, section 5(a) of the Federal hazardous Sub-*
7 *stances Act (15 U.S.C. 2064(a)), or section 7 of the Flam-*
8 *mable Fabrics Act (15 U.S.C. 1196).”.*

9 **SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

10 *Section 24 (15 U.S.C. 2073) is amended—*

11 *(1) in the section heading, by striking “PRIVATE”*
12 *and inserting “ADDITIONAL”;*

13 *(2) by striking “Any interested person” and in-*
14 *serting “(a) Any interested person”; and*

15 *(3) by striking “No separate suit” and all that*
16 *follows and inserting the following:*

17 *“(b)(1) The attorney general of a State, alleging a vio-*
18 *lation of section 19(a) that affects or may affect such State*
19 *or its residents may bring an action on behalf of the resi-*
20 *dents of the State in any United States district court for*
21 *the district in which the defendant is found or transacts*
22 *business to enforce a consumer product safety rule or an*
23 *order under section 15, and to obtain appropriate injunc-*
24 *tive relief.*

1 “(2) Not less than thirty days prior to the commence-
2 ment of such action, the attorney general shall give notice
3 by registered mail to the Commission, to the Attorney Gen-
4 eral, and to the person against whom such action is di-
5 rected. Such notice shall state the nature of the alleged vio-
6 lation of any such standard or order, the relief to be re-
7 quested, and the court in which the action will be brought.
8 The Commission shall have the right—

9 “(A) to intervene in the action;

10 “(B) upon so intervening, to be heard on all
11 matters arising therein;

12 “(C) and to file petitions for appeal.

13 “(c) No separate suit shall be brought under this sec-
14 tion if at the time the suit is brought the same alleged viola-
15 tion is the subject of a pending civil or criminal action by
16 the United States under this Act. In any action under this
17 section the court may in the interest of justice award the
18 costs of suit, including reasonable attorneys’ fees (deter-
19 mined in accordance with section 11(f)) and reasonable ex-
20 pert witnesses’ fees.”.

21 **SEC. 218. EFFECT OF RULES ON PREEMPTION.**

22 In issuing any rule or regulation in accordance with
23 its statutory authority, the Commission shall not seek to
24 expand or contract the scope, or limit, modify, interpret,
25 or extend the application of sections 25 and 26 of the Con-

1 *sumer Products Safety Act (15 U.S.C. 2074 and 2075, re-*
2 *spectively), section 18 of the Federal Hazardous Substances*
3 *Act (15 U.S.C. 1261), section 7 of the Poison Prevention*
4 *Packaging Act (15 U.S.C. 1476), or section 16 of the Flam-*
5 *mable Fabrics Act (15 U.S.C. 1203) with regard to the ex-*
6 *tent to which each such Act preempts, limits, or otherwise*
7 *affects any other Federal, State, or local law, or limits or*
8 *otherwise affects any cause of action under State or local*
9 *law.*

10 **SEC. 219. SHARING OF INFORMATION WITH FEDERAL,**
11 **STATE, LOCAL, AND FOREIGN GOVERNMENT**
12 **AGENCIES.**

13 *Section 29 (15 U.S.C. 2078) is amended by adding*
14 *at the end the following:*

15 *“(f)(1) The Commission may make information ob-*
16 *tained by the Commission under this Act available (con-*
17 *sistent with the requirements of section 6) to any Federal,*
18 *State, local, or foreign government agency upon the prior*
19 *certification of an appropriate official of any such agency,*
20 *either by a prior agreement or memorandum of under-*
21 *standing with the Commission or by other written certifi-*
22 *cation, that such material will be maintained in confidence*
23 *and will be used only for official law enforcement or con-*
24 *sumer protection purposes, if—*

1 “(A) the agency has set forth a bona fide legal
2 basis for its authority to maintain the material in
3 confidence;

4 “(B) the materials are to be used for purposes of
5 investigating, or engaging in enforcement proceedings
6 related to, possible violations of—

7 “(i) laws regulating the manufacture, im-
8 portation, distribution, or sale of defective or un-
9 safe consumer products, or other practices sub-
10 stantially similar to practices prohibited by any
11 law administered by the Commission;

12 “(ii) a law administered by the Commis-
13 sion, if disclosure of the material would further
14 a Commission investigation or enforcement pro-
15 ceeding; or

16 “(iii) with respect to a foreign law enforce-
17 ment agency, with the approval of the Attorney
18 General, other foreign criminal laws, if such for-
19 eign criminal laws are offenses defined in or cov-
20 ered by a criminal mutual legal assistance treaty
21 in force between the government of the United
22 States and the foreign law enforcement agency’s
23 government; and

24 “(C) in the case of a foreign government agency,
25 such agency is not from a foreign state that the Sec-

1 *retary of State has determined, in accordance with*
2 *section 6(j) of the Export Administration Act of 1979*
3 *(50 U.S.C. App. 2405(j)), has repeatedly provided*
4 *support for acts of international terrorism, unless and*
5 *until such determination is rescinded pursuant to sec-*
6 *tion 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).*

7 *“(2) The Commission may abrogate any agree-*
8 *ment or memorandum of understanding entered into*
9 *under paragraph (1) if the Commission determines*
10 *that the agency with which such agreement or memo-*
11 *randum of understanding was entered into has failed*
12 *to maintain in confidence any information provided*
13 *under such agreement or memorandum of under-*
14 *standing, or has used any such information for pur-*
15 *poses other than those set forth in such agreement or*
16 *memorandum of understanding.*

17 *“(3)(A) Except as provided in subparagraph (B)*
18 *of this paragraph, the Commission shall not be re-*
19 *quired to disclose under section 552 of title 5, United*
20 *States Code, or any other provision of law—*

21 *“(i) any material obtained from a foreign*
22 *government agency, if the foreign government*
23 *agency has requested confidential treatment, or*
24 *has precluded such disclosure under other use*

1 *limitations, as a condition of providing the ma-*
2 *terial;*

3 “(ii) *any material reflecting a consumer*
4 *complaint obtained from any other foreign*
5 *source, if that foreign source supplying the mate-*
6 *rial has requested confidential treatment as a*
7 *condition of providing the material; or*

8 “(iii) *any material reflecting a consumer*
9 *complaint submitted to a Commission reporting*
10 *mechanism sponsored in part by foreign govern-*
11 *ment agencies.*

12 “(B) *Nothing in this subsection shall authorize*
13 *the Commission to withhold information from the*
14 *Congress or prevent the Commission from complying*
15 *with an order of a court of the United States in an*
16 *action commenced by the United States or the Com-*
17 *mission.*

18 “(4) *In this subsection, the term ‘foreign government*
19 *agency’ means—*

20 “(A) *any agency or judicial authority of a for-*
21 *ign government, including a foreign state, a political*
22 *subdivision of a foreign state, or a multinational or-*
23 *ganization constituted by and comprised of foreign*
24 *states, that is vested with law enforcement or inves-*

1 *tigative authority in civil, criminal, or administra-*
2 *tive matters; and*

3 *“(B) any multinational organization, to the ex-*
4 *tent that it is acting on behalf of an entity described*
5 *in subparagraph (A).*

6 *“(g) Whenever the Commission is notified of any vol-*
7 *untary recall of any consumer product self-initiated by a*
8 *manufacturer (or a retailer in the case of a retailer selling*
9 *a product under its own label), or issues an order under*
10 *section 15(c) or (d) with respect to any product, the Com-*
11 *mission shall notify each State’s health department or other*
12 *agency designated by the State of the recall or order.”.*

13 ***SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSI-***
14 ***BILITY.***

15 *(a) REPORT.—Not later than 60 days after the date*
16 *of the enactment of this Act, the Inspector General of the*
17 *Commission shall transmit a report to Congress on the ac-*
18 *tivities of the Inspector General, any structural barriers*
19 *which prevent the Inspector General from providing robust*
20 *oversight of the activities of the Commission, and any addi-*
21 *tional authority or resources that would facilitate more ef-*
22 *fective oversight.*

23 *(b) EMPLOYEE COMPLAINTS.—*

24 *(1) IN GENERAL.—The Inspector General of the*
25 *Commission shall conduct a review of—*

1 (A) *complaints received by the Inspector*
2 *General from employees of the Commission about*
3 *violations of rules, regulations, or the provisions*
4 *of any Act enforced by the Commission; and*

5 (B) *the process by which corrective action*
6 *plans are negotiated with such employees by the*
7 *Commission, including an assessment of the*
8 *length of time for these negotiations and the ef-*
9 *fectiveness of the plans.*

10 (2) *REPORT.—Not later than 1 year after the*
11 *date of enactment of this Act, the Inspector General*
12 *shall transmit a report to the Commission and to*
13 *Congress setting forth the Inspector General’s find-*
14 *ings, conclusions, actions taken in response to em-*
15 *ployee complaints, and recommendations.*

16 (c) *COMPLAINT PROCEDURE.—Not later than 30 days*
17 *after the date of enactment of this Act the Commission shall*
18 *establish and maintain on the homepage of the Commis-*
19 *sion’s Internet website a mechanism by which individuals*
20 *may anonymously report incidents of waste, fraud, or abuse*
21 *with respect to the Commission.*

22 **SEC. 221. REPEAL.**

23 *Section 30 (15 U.S.C. 2079) is amended by striking*
24 *subsection (d) and redesignating subsections (e) and (f) as*
25 *subsections (d) and (e), respectively.*

1 **SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.**

2 *The Consumer Product Safety Act (15 U.S.C. 1251 et*
3 *seq.) is amended by adding at the end the following new*
4 *section:*

5 **“SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.**

6 *“(a) PROHIBITION.—Notwithstanding section 1353 of*
7 *title 31, United States Code, no Commissioner or employee*
8 *of the Commission shall accept travel, subsistence, and re-*
9 *lated expenses with respect to attendance by a Commis-*
10 *sioner or employee at any meeting or similar function relat-*
11 *ing to official duties of a Commissioner or an employee,*
12 *from a person—*

13 *“(1) seeking official action from, doing business*
14 *with, or conducting activities regulated by, the Com-*
15 *mission; or*

16 *“(2) whose interests may be substantially affected*
17 *by the performance or nonperformance of the Com-*
18 *missioner’s or employee’s official duties.*

19 *“(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFI-*
20 *CIAL TRAVEL.—There are authorized to be appropriated,*
21 *for each of fiscal years 2009 through 2011, \$1,200,000 to*
22 *the Commission for certain travel and lodging expenses nec-*
23 *essary in furtherance of the official duties of Commissioners*
24 *and employees.”.*

25 **SEC. 223. ANNUAL REPORTING REQUIREMENT.**

26 *Section 27(j) (15 U.S.C. 2076(j)) is amended—*

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “The Commission” and inserting “Notwith-*
3 *standing section 3003 of the Federal Reports Elimini-*
4 *ation and Sunset Act of 1995 (31 U.S.C. 1113 note),*
5 *the Commission”;* and

6 (2) *by redesignating paragraphs (5) through (11)*
7 *as paragraphs (6) through (12), respectively and in-*
8 *serting after paragraph (4) the following:*

9 “*(5) the number and summary of recall orders*
10 *issued under section 12 or 15 during such year and*
11 *a summary of voluntary actions taken by manufac-*
12 *turers of which the Commission has notified the pub-*
13 *lic, and an assessment of such orders and actions;”.*

14 **SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY**
15 **RELATING TO IMPORTED PRODUCTS.**

16 *The Commission shall study the effectiveness of section*
17 17(a) *of the Consumer Product Safety Act (15 U.S.C.*
18 2066(a)), *specifically paragraphs (3) and (4) of such sec-*
19 tion, *to determine a specific strategy to increase the effec-*
20 tiveness of the Commission’s ability to stop unsafe products
21 from entering the United States. *The Commission shall sub-*
22 mit a report to Congress not later than 9 months after en-
23 actment of this Act, which shall include recommendations
24 regarding additional authority the Commission needs to

- 1 *implement such strategy, including any necessary legisla-*
- 2 *tion.*

Union Calendar No. 306

110TH CONGRESS
1ST Session

H. R. 4040

[Report No. 110-501]

A BILL

To establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

DECEMBER 19, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed