

Working Draft of Conference Report

JUNE 24, 2008

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the

3

4 (b) TABLE OF CONTENTS.—The table of contents for

5 this Act is as follows:

Sec. 1 . [Short title; table of contents.]

Sec. 2. [References.]

Sec. 3 . [Authority to issue implementing regulations.]

TITLE 1---CHILDREN'S PRODUCT SAFETY

Sec. 101. [Ban on children's products containing lead; lead paint rule.]

Sec. 102. [3rd party testing provision].

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

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

Sec. 105. Catalog and internet advertising provision.

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

Sec. 107. [Toy safety standard provision].

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. [Reauthorization of the Commission.]

Sec. 202. Full Commission requirement; interim 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/substantial product safety hazard reporting requirement].

Sec. 209. Enhanced recall authority and notice.

Sec. _____. Corrective action plans.

Sec. _____. Requirements for recall notices.

Sec. 210. Requirements for recall notices.

Sec. 211. Inspection of certified proprietary laboratories.

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

Sec. 213. [Export of recalled and nonconforming products.]

Sec. 214. [Prohibited acts.]

Sec. 215. Increased civil penalty.

Sec. [Criminal penalties provision].

- Sec. 217. [Enforcement by state attorneys general.]
 Sec. 218. [Preemption provision amending/affecting sections 25 and 26 of CPSA].
 Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.
 Sec. 220. [Inspector General provision].
 Sec. 221. Repeal.
 Sec. 222. Industry-sponsored travel ban.
 Sec. 223. Annual reporting requirement.
 Sec. 224. Study and report on effectiveness of authorities relating to safety of imported consumer products.
 Sec. Cost-benefit analysis under the Poison Prevention Packaging Act of 1970.
 Sec. Employee training exchanges.

1 SEC. 2. REFERENCES.

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

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

11 [(c) RULE.—In this Act and the amendments made
 12 by this Act, a reference to any rule under any Act enforced
 13 by the Commission shall be considered a reference to any
 14 rule, standard, ban, or order under any such Act.]

**15 [SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULA-
 16 TIONS.**

17 The Commission may issue regulations, as necessary,
 18 to implement this Act and the amendments made by this
 19 Act.]

1 **TITLE I-CHILDREN'S PRODUCT**
2 **SAFETY**

3 **[SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING**
4 **LEAD; LEAD PAINT RULE.]**

5 **[SEC. 102. [3RD PARTY TESTING PROVISION].]**

6 **SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.**

7 (a) IN GENERAL.—Section 14(a) (15 U.S.C.
8 2063(a)), as amended by section ____ of this Act, is fur-
9 ther amended by adding at the end the following:

10 "() Effective 1 year after the date of enact-
11 ment of the *[insert short title]*, the manufacturer of
12 a children's product shall place permanent, distin-
13 guishing marks on the product and its packaging, to
14 the extent practicable, that will enable-

15 "(A) the manufacturer to ascertain the lo-
16 cation and date of production of the product,
17 cohort information (including the batch, run
18 number, or other identifying characteristic),
19 and any other information determined by the
20 manufacturer to facilitate ascertaining the spe-
21 cific source of the product by reference to those
22 marks; and

23 "(B) the ultimate purchaser to ascertain
24 the manufacturer or private labeler, location
25 and date of production of the product, and co-

hort information (including the batch, run number, or other identifying characteristic).".

(b) LABEL INFORMATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

"(2) The cohort information (including the batch, run number, or other identifying characteristic) of the product".

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

"(d) No advertisement for a consumer product or label or packaging of such product may contain a reference to a consumer product safety rule or a voluntary consumer product safety standard unless such product conforms with the safety requirements of such rule or standard.".

**19 SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF
20 DURABLE NURSERY PRODUCTS.**

(a) SHORT TITLE.—This section may be cited as the "Danny Keysar Child Product Safety Notification Act".

(b) SAFETY STANDARDS.—

(1) IN GENERAL—The Commission shall-

1 (A) in consultation with representatives of
2 consumer groups, juvenile product manufactur-
3 ers, and independent child product engineers
4 and experts, examine and assess the effective-
5 ness of any voluntary consumer product safety
6 standards for durable infant or toddler product;
7 and

8 (B) in accordance with section 553 of title
9 5, United States Code, promulgate consumer
10 product safety rules that-

11 (i) are substantially the same as such
12 voluntary standards; or

13 (ii) are more stringent than such vol-
14 untary standards, if the Commission deter-
15 mines that more stringent standards would
16 further reduce the risk of injury associated
17 with such products.

18 (2) TIMETABLE FOR RULEMAKING.—Not later
19 than 1 year after the date of enactment of this Act,
20 the Commission shall commence the rulemaking re-
21 quired under paragraph (1) and shall promulgate
22 rules for no fewer than 2 categories of durable in-
23 fant or toddler products every 6 months thereafter,
24 beginning with the product categories that the Corn-
25 mission determines to be of highest priority, until

1 the Commission has promulgated standards for all
2 such product categories. Thereafter, the Commission
3 shall periodically review and revise the rules set
4 forth under this subsection to ensure that such rules
5 provide the highest level of safety for such products
6 that is feasible.

7 (c) CRIBS.-

8 (1) IN GENERAL.-It shall be a violation of sec-
9 tion 19(a)(1) of the Consumer Product Safety Act
10 (15 U.S.C. 2068(a)(1)) for any person to which this
11 subsection applies to manufacture, sell, contract to
12 sell or resell, lease, sublet, offer or provide for use
13 (or otherwise place in the stream of commerce) a
14 crib that is not in compliance with a rule promul-
15 gated under subsection (b).

16 (2) PERSONS TO WHICH SUBSECTION AP-
17 PLIES.—This subsection applies to any person
18 **that-**

19 (A) manufactures, sells, or contracts to sell
20 cribs;

21 (B) based on the person's occupation,
22 holds itself out as having knowledge or skill pe-
23 culiar to cribs, including child care facilities and
24 family child care homes;

1 (C) is in the business of contracting to sell
2 or resell, lease, sublet, or otherwise place cribs
3 in the stream of commerce; or

4 (D) owns or operates a place of public ac-
5 commodation affecting commerce (as defined in
6 section 4 of the Federal Fire Prevention and
7 Control Act of 1974 (15 U.S.C. 2203) applied
8 without regard to the phrase "not owned by the
9 Federal Government").

10 (3) CRIB DEFINED.—In this subsection, the
11 term "crib" includes-

- 12 (A) new and used cribs;
13 (B) full-sized or nonfull-sized cribs; and
14 (C) portable cribs and crib-pens.

15 (d) CONSUMER REGISTRATION REQUIREMENT.-

16 (1) RULEMAKING.—Not later than 1 year after
17 the date of enactment of this Act, the Commission
18 shall, pursuant to its authority under section 16(b)
19 of the Consumer Product Safety Act (15 U.S.C.
20 2065(b)), promulgate a final consumer product safe-
21 ty rule to require manufacturers of durable infant or
22 toddler products-

23 (A) to provide consumers with a postage-
24 paid consumer registration form with each such
25 product;

1 (B) to maintain a record of the names, ad-
2 dresses, e-mail addresses, and other contact in-
3 formation of consumers who register their own-
4 ership of such products with the manufacturer
5 in order to improve the effectiveness of manu-
6 facturer campaigns to recall such products; and

7 (C) to permanently place the manufacturer
8 name and contact information, model name and
9 number, and the date of manufacture on each
10 durable infant or toddler product.

11 (2) REQUIREMENTS FOR REGISTRATION
12 FORM.—The registration form required to be pro-
13 vided to consumers under paragraph (1) shall-

14 (A) include spaces for a consumer to pro-
15 vide their name, address, telephone number,
16 and e-mail address;

17 (B) include space sufficiently large to per-
18 mit easy, legible recording of all desired infor-
19 mation;

20 (C) be attached to the surface of each du-
21 rable infant or toddler product so that, as a
22 practical matter, the consumer must notice and
23 handle the form after purchasing the product;

1 (D) include the manufacturer's name,
2 model name and number for the product, and
3 the date of manufacture;

4 (E) include a message explaining the pur-
5 pose of the registration and designed to encour-
6 age consumers to complete the registration;

7 (F) include an option for consumers to
8 register through the Internet; and

9 (G) include a statement that information
10 provided by the consumer shall not be used for
11 any purpose other than to facilitate a recall of
12 or safety alert regarding that product.

13 In issuing regulations under this section, the Corn-
14 mission may prescribe the exact text and format of
15 the required registration form.

16 (3) RECORD KEEPING AND NOTIFICATION RE-
17 QUIREIVIENTS.—The rules required under this section
18 shall require each manufacturer of a durable infant
19 or toddler product to maintain a record of reg-
20 istrants for each product manufactured that includes
21 all of the information provided by each consumer
22 registered, and to use such information to notify
23 such consumers in the event of a voluntary or invol-
24 untary recall of or safety alert regarding such prod-
25 uct. Each manufacturer shall maintain such a record

1 for a period of not less than 6 years after the date
2 of manufacture of the product. Consumer informa-
3 tion collected by a manufacturer under this Act may
4 not be used by the manufacturer, nor disseminated
5 by such manufacturer to any other party, for any
6 purpose other than notification to such consumer in
7 the event of a product recall or safety alert.

8 (4) STuDY.—The Commission shall conduct a
9 study at such time as it considers appropriate on the
10 effectiveness of the consumer registration forms in
11 facilitating product recalls and whether such reg-
12 istration forms should be required for other chil-
13 dren's products. Not later than 4 years after the
14 date of enactment of this Act, the Commission shall
15 report its findings to Congress.

16 (e) USE OF ALTERNATIVE RECALL NOTIFICATION
17 TECHNOLOGY.-

18 (1) TECHNOLOGY ASSESSMENT AND REPORT.-

19 The Commission shall-

20 (A) beginning 2 years after a rule is pro-
21 mulgated under subsection (d), regularly review
22 recall notification technology and assess the ef-
23 fectiveness of such technology in facilitating re-
24 calls of durable infant or toddler products; and

1 (B) not later than 3 years after the date
2 of enactment of this Act and periodically there-
3 after as the Commission considers appropriate,
4 transmit a report on such assessments to the
5 Energy and Commerce Committee of the House
6 of Representatives and the Commerce, Science,
7 and Transportation Committee of the Senate.

8 (2) DETERMINATION.-If, based on the assess-
9 required by paragraph (1), the Commission de-
10 termines by rule that a recall notification technology
11 is likely to be as effective or more effective in facili-
12 tating recalls of durable infant or toddler products
13 as the registration forms required by subsection (a),
14 the Commission-

15 (A) shall submit to the Committee on
16 Commerce, Science, and Transportation of the
17 Senate and the Committee on Energy and Com-
18 merce of the House of Representatives a report
19 on such determination; and

20 (B) shall permit a manufacturer of durable
21 infant or toddler products to use such tech-
22 nology in lieu of such registration forms to fa-
23 cilitate recalls of durable infant or toddler prod-
24 acts.

1 (f) DEFINITION OF DURABLE INFANT OR TODDLER
2 PRODUCT.-AS used in this section, the term "durable in-
3 fant or toddler product"—

4 (1) means a durable product intended for use,
5 or that may be reasonably expected to be used, by
6 children under the age of 5 years; and

7 (2) shall include-

8 (A) full-size cribs and nonfull-size cribs;

9 (B) toddler beds;

10 (C) high chairs, booster chairs, and hook-
11 on chairs;

12 (D) bath seats;

13 (E) gates and other enclosures for con-
14 fining a child;

15 (F) play yards;

16 (G) stationary activity centers;

17 (H) infant carriers;

18 (I) strollers;

19 (J) walkers;

20 (K) swings; and

21 (L) bassinets and cradles.

22 SEC. 105. LABELING REQUIREMENT FOR ADVERTISING
23 **TOYS AND GAMES.**

24 Section 24 of the Federal Hazardous Substances Act
25 (15 U.S.C. 1278) is amended-

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

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 "(c) ADVERTISING.-

6 "(1) REQUIREMENT.-

7 "(A) CAUTIONARY STATEMENT.—Any ad-
8 vertisement by a retailer, manufacturer, im-
9 porter, distributor, or private labeler (including
10 advertisements on Internet websites or in cata-
11 logues or other printed materials) that provides
12 a direct means for the purchase or order of a
13 product for which a cautionary statement is re-
14 quired under subsection (a) or (b) shall include
15 the appropriate cautionary statement displayed
16 in its entirety on or immediately adjacent to
17 that advertisement.

18 "(B) APPLICATION TO RETAILERS.-

19 "(i) OBLIGATION TO INFORM.—A
20 manufacturer, importer, distributor, or pri-
21 vate labeler that provides such a product
22 to a retailer shall inform the retailer of any
23 cautionary statement requirement applica-
24 ble to the product.

1 "(ii) RETAILER'S OBLIGATION TO IN-
2 QUIRE.—A retailer is not in violation of
3 subparagraph (A) if the retailer requested
4 information from the manufacturer, im-
5 porter, distributor, or private labeler as to
6 whether the cautionary statement required
7 by subparagraph (A) applies to the product
8 that is the subject of the advertisement
9 and the manufacturer, importer, dis-
10 tributor, or private labeler provided false
11 information or did not provide such infor-
12 mation.

13 "(C) DISPLAY.—The cautionary statement
14 required by subparagraph (A) shall be promi-
15 nently displayed-

16 "(i) in the primary language used in
17 the advertisement;

18 "(ii) in conspicuous and legible type
19 in contrast by typography, layout, or color
20 with other material printed or displayed in
21 such advertisement; and

22 "(iii) in a manner consistent with part
23 1500 of title 16, Code of Federal Regula-
24 tions.

25 "(D) DEFINITIONS.—In this subsection:

1 "(i) The terms 'manufacturer', 'dis-
2 tributor', and 'private labeler' have the
3 meaning given those terms in section 3 of
4 the Consumer Product Safety Act (15
5 U.S.C. 2052).

6 "(ii) The term 'retailer' has the mean-
7 ing given that term in section 3 of the
8 Consumer Product Safety Act (15 U.S.C.
9 2052), but does not include an individual
10 whose selling activity is intermittent and
11 does not constitute a trade or business.

12 "(2) EFFECTIVE DATE.—The requirement in
13 paragraph (1) shall take effect-

14 "(A) with respect to advertisements on
15 Internet websites, 120 days after the date of
16 enactment of the [TO BE SUPPLIED] Act;
17 and

18 "(B) with respect to catalogues and other
19 printed materials, 180 days after such date of
20 enactment.

21 "(3) RuLEmmuNG.—The Commission shall, not
22 later than 90 days after the date of the enactment
23 of this Act, promulgate regulations to effectuate this
24 section with respect to printed material and cata-
25 logues. The Commission may, under such regula-

1 tions, provide a grace period of no more than 180
2 days for catalogues and printed materials printed
3 prior to the effective date of paragraph (1) during
4 which time distribution of such printed materials
5 shall not be considered a violation of such para-
6 graph. The Commission may promulgate regulations
7 concerning the size and placement of the cautionary
8 statement required by paragraph (1) of this sub-
9 section as appropriate relative to the size and place-
10 ment of the advertisements in printed material. The
11 Commission may promulgate regulations that clarify
12 the applicability of these requirements to printed
13 materials and catalogues distributed solely between
14 businesses and not to individual consumers.

15 "(4) ENFORCEMENT.—The requirement in
16 paragraph (1) shall be treated as a consumer prod-
17 uct safety standard promulgated under section 7 of
18 the Consumer Product Safety Act (15 U.S.C. 2056).
19 The publication or distribution of any advertisement
20 that is not in compliance with paragraph (1) shall
21 be treated as a prohibited act under section 19 of
22 such Act (15 U.S.C. 2068).".

1 SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS
2 IN MINORITY CHILDREN RELATED TO CON-
3 SUMER PRODUCTS.

4 (a) IN GENERAL.—Not, later than 90 days after the
5 date of the enactment of this Act, the Comptroller General
6 shall initiate a study, by the Government Accountability
7 Office or by contract through an independent entity, to
8 assess disparities in the risks and incidence of preventable
9 injuries and deaths among children of minority popu-
10 lations, including Black, Hispanic, American Indian, Alas-
11 ka native, Native Hawaiian, and Asian/Pacific Islander
12 children in the United States. The Comptroller General
13 shall consult with the Commission as necessary.

14 (b) REQUIREMENTS.—The study shall examine the
15 racial disparities of the rates of preventable injuries and
16 deaths related to suffocation, poisonings, and drownings,
17 including those associated with the use of cribs, mattresses
18 and bedding materials, swimming pools and spas, and toys
19 and other products intended for use by children.

20 (c) REPORT.—Not later than 1 year after the date
21 of the enactment of this Act, the Comptroller General shall
22 report the findings to the Committee on Energy and Corn-
23 merce of the House of Representatives and the Committee
24 on Commerce, Science, and Transportation of the Senate.
25 The report shall include-

1 (1) the Comptroller General's findings on the
2 incidence of preventable risks of injuries and deaths
3 among children of minority populations and rec-
4 ommendations for minimizing such risks;

5 (2) recommendations for public outreach,
6 awareness, and prevention campaigns specifically
7 aimed at racial minority populations; and

8 (3) recommendations for education initiatives
9 that may reduce statistical disparities.

10 [SEC. 107. [TOY SAFETY STANDARD PROVISION].]

11 TITLE II-CONSUMER PRODUCT
12 SAFETY COMMISSION REFORM

13 [SEC. 201. REAUTHORIZATION OF THE COMMISSION.]

14 SEC. 202. FULL COMMISSION REQUIREMENT; INTERIM
15 QUORUM.

16 (a.) TEMPORARY QUORUM.—Notwithstanding section
17 4(d) of the Consumer Product Safety Act (15 U.S.C.
18 2053(d)), 2 members of the Consumer Product Safety
19 Commission, if they are not affiliated with the same polit-
20 ical party, shall constitute a quorum for the transaction
21 of business for the 1 year period beginning on the date
22 of enactment of this Act.

23 (b) REPEAL OF QUORUM LIMITATION.—

24 (1) REPEAL.—Title III of Public. Law 102-389
25 is amended by striking the first proviso in the item

1 captioned "CONSUMER PRODUCT SAFETY COMMIS-
2 SION, SALARIES AND EXPENSES" (15 U.S.C. 2053
3 note).

4 (2) EFFECTIVE DATE.—The amendment made
5 by paragraph (1) shall take effect 1 year after the
6 date of enactment of this Act.

7 SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS
8 TO CONGRESS.

9 (a) IN GENERAL—Notwithstanding any rule, regula-
10 tion, or order to the contrary, the Commission shall com-
11 ply with the requirements of section 27(k) of the Con-
12 sumer Product Safety Act (15 U.S.C. 2076) with respect
13 to budget recommendations, legislative recommendations,
14 testimony, and comments on legislation submitted by the
15 Commission to the President or the Office of Management
16 and Budget after the date of enactment of this Act.

17 (b) REINSTATEMENT OF REQUIREMENT.—SeetiOn
18 3003(d) of Public Law 104-66 (31 U.S.C. 1113 note) is
19 amended-

20 (1) by striking "or" after the semicolon in
21 paragraph (31);

22 (2) by redesigna.ting paragraph (32) as (33);

23 and

24 (3) by inserting after paragraph (31) the fol-
25 lowing:

1 "(32) section 27(k) of the Consumer Product
2 Safety Act (15 2076(k)); or".

3 SEC. 204. EXPEDITED RULEMAKING.

4 (a) ANPR REQUIREMENT.-

5 (1) IN GENERAL.—Section 9 (15 U.S.C. 2058)
6 is amended-

7 (A) by striking "shall be commenced" in
8 subsection (a) and inserting "may be corn-
9 menced";

10 (B) by striking "in the notice" in sub-
11 section (b) and inserting "in a notice";

12 (C) by striking "unless, not less than 60
13 days after publication of the notice required in
14 subsection (a), the" in subsection (c) and in-
15 setting "unless the";

16 (D) by striking "an advance notice of pro-
17 posed rulemaking under subsection (a) relating
18 to the product involved," in the third sentence
19 of subsection (c) and inserting "the notice,";
20 and

21 (E) by striking "Register." in the matter
22 following paragraph (4) of subsection (c) and
23 inserting "Register. Nothing in this subsection
24 shall preclude any person from submitting an

1 existing standard or portion of a standard as a
2 proposed consumer product safety standard."

3 (2) CONFORMING AMENDMENT.—Section
4 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by strik-
5 ing "an advance notice of proposed rulemaking or".

6 (b) RULEMAIUNG UNDER FEDERAL HAZARDOUS
7 SUBSTANCES ACT.—

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

11 "(a) RULEMAIUNG.—

12 "(1) IN GENERAL.—Whenever in the judgment
13 of the Commission such action will promote the ob-
14 jectives of this Act by avoiding or resolving uncer-
15 as to its application, the Commission may by
16 regulation declare to be a hazardous substance, for
17 the purposes of this Act, any substance or mixture
18 of substances, which it finds meets the requirements
19 of section 2(f)(1)(A).

20 "(2) PROCEDURE.—Proceedings for **the**
21 issuance, amendment, or repeal of regulations under
22 this subsection and the admissibility of the record of
23 such proceedings in other proceedings, shall be gov-
24 erned by the provisions of subsections (f) through (i)
25 of this section."

1 (2) PROCEDURE.—Section 2(q)(2) of the Fed-
2 era! Hazardous Substances Act (15 U.S.C.
3 1261(q)(2)) is amended by striking "Proceedings for
4 the issuance, amendment, or repeal of regulations
5 pursuant to clause (B) of subparagraph (1) of this
6 paragraph shall be governed by the provisions of sec-
7 dons 701(e), (f), and (g) of the Federal Food, Drug,
8 and Cosmetic Act: Provided, That if" and inserting
9 "Proceedings for the issuance, amendment, or repeal
10 of regulations pursuant to clause (B) of subpara-
11 graph (1) of this paragraph shall be governed by the
12 provisions of subsections (f) through (i) of section 3
13 of this Act, except that if".

14 (3) ANPR REQUIREMENT.—Section 3 of the
15 Federal Hazardous Substances Act (15 U.S.C.
16 1262) is amended-

17 (A) by striking "shall be commenced" in
18 subsection (f) and inserting "may be corn-
19 menced";

20 (B) by striking "in the notice" in sub-
21 section (g)(1) and inserting "in a notice"; and

22 (C) by striking "unless, not less than 60
23 days after publication of the notice required in
24 subsection (f), the" in subsection (h) and in-
25 serting "unless the".

1 (4) OTHER CONFORMING AMENDMENTS.—The
2 Federal Hazardous Substances Act (15 U.S.C. 1261
3 et seq.) is amended—

4 (A) by striking paragraphs (c) and (d) of
5 section 2 and inserting the following:

6 "(c) The term 'Commission' means the Consumer
7 Product Safety Commission.";

8 (B) by striking "Secretary" each place it
9 appears and inserting "Commission" except—

10 (i) in section 10(b) (15 U.S.C.
11 1269(b));

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

13 and

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

16 (C) by striking "Department" each place it
17 appears, except in sections 5(c)(6)(D)(i) and
18 14(b) (15 U.S.C. 1264(c)(6)(D)(i) and
19 1273(b)), and inserting "Commission";

20 (D) by striking "he" and "his" each place
21 they appear in reference to the Secretary and
22 inserting "it" and "its", respectively;

23 (E) by striking "Secretary of Health, Edu-
24 cation, and Welfare" each place it appears in

1 section 10(h) (15 U.S.C. 1269(b)) and inserting
2 "Commission";

3 (F) by striking "Secretary of Health, Edu-
4 cation, and Welfare" each place it appears in
5 section 14 (15 U.S.C. 1273) and inserting
6 "Commission";

7 (G) by striking "Department of Health,
8 Education, and Welfare" in section 14(b) (15
9 U.S.C. 1273(b)) and inserting "Commission";

10 (H) by striking "Consumer Product Safety
11 Commission" each place it appears and insert-
12 ing "Commission";

13 (I) by striking "(hereinafter in this section
14 referred to as the"Commission")" in section
15 14(d) (15 U.S.C. 1273(d)) and section 20(a)(1)
16 (15 U.S.C. 1275(a)(1)); and

17 (J) by striking paragraph (5) of section
18 18(b) (15 U.S.C. 1261 note).

19 (e) RULEMAKING UNDER FLAMMABLE FABRICS
20 ACT.—

21 (1) IN GENERAL.—Section 4 of the Flammable
22 Fabrics Act (15 U.S.C. 1193) is amended-

23 (A) by striking "shall be commenced" in
24 subsection (g) and inserting "may be corn-

1 menced by a notice of proposed rulemaking or";
2 and

3 (B) by striking "unless, not less than 60
4 days after publication of the notice required in
5 subsection (g), the" in subsection (i) and insert-
6 ing "unless the".

7 (2) OTHER CONFORMING AMENDMENTS.—The
8 Flammable Fabrics Act (15 U.S.C. 1193) is amend-
9 ed-

10 (A) by striking paragraph (i) of section 2
11 (15 U.S.C. 1191(i)) and inserting the following:

12 "(i) The term 'Commission' means the Consumer
13 Product Safety Commission.";

14 (B) by striking "Secretary of Commerce"
15 each place it appears and inserting "Commis-
16 sion";

17 (C) by striking "Secretary" each place it
18 appears and inserting "Commission", except in
19 sections 9 and 14 (15 U.S.C. 1198 and 1201);

20 (D) by striking "he" and "his" each place
21 either such word appears in reference to the
22 Secretary and inserting "it" and "its", respec-
23 tively;

1 (E) by striking paragraph (5) of section
2 4(e) (15 U.S.C. 1193(e)) and redesignating
3 paragraph (6) as paragraph (5);

4 (F) by striking "Consumer Product Safety
5 Commission (hereinafter in this section referred
6 to as the 'Commission') in section 15 (15
7 U.S.C. 1202)" and inserting "Commission";

8 (G) by striking section 16(d) (15 U.S.C.
9 1203(d)) and inserting the following:

10 "(d) In this section, a reference to a flammability
11 standard or other regulation for a fabric, related material,
12 or product in effect under this Act includes a standard
13 of flammability continued in effect by section 11 of the
14 Act of December 14, 1967 (Public Law 9009189)."; and

15 (H) by striking "Consumer Product Safety
16 Commission" in section 17 (15 U.S.C. 1204)
17 and inserting "Commission".

18 [SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.]

**19 [SEC. 206. [PUBLICLY AVAILABLE INFORMATION ON INCI-
20 DENTS INVOLVING INJURY OR DEATH].]**

**21 SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER
22 COMMISSION-ENFORCED STATUTES.**

23 Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended-

1 (1) by inserting "or to which a rule under any
2 other law enforced by the Commission applies," after
3 "applies,"; and

4 (2) by striking "consumer product safety" the
5 second, third, and fourth places it appears.

6 [SEC. 208. [NOTIFICATION OF NONCOMPLIANCE/SUBSTAN-
7 **TIAL PRODUCT SAFETY HAZARD REPORTING**
8 **REQUIREMENT].]**

9 SEC. 209. ENHANCED RECALL AUTHORITY AND NOTICE.

10 (a) ENHANCED RECALL AUTHORITY. — Section 15
11 (15 U.S.C. 2064) is amended—

12 (1) in subsection (c)—

13 (A) by striking "If the Commission" and
14 inserting "(1) If the Commission";

15 (B) by inserting "or if the Commission,
16 after notifying the manufacturer, determines a
17 product to be an imminently hazardous con-
18 sumer product and has filed an action under
19 section 12," after "from such substantial prod-
20 uct hazard,";

21 (C) by redesignating paragraphs (1)
22 through (3) as subparagraphs (D) through (F),
23 respectively;

24 (D) by inserting after "the following ac-
25 tions:" the following:

1 "(A) To cease distribution of the product.

2 "(B) To notify all persons that transport, store,
3 distribute, or otherwise handle the product, or to
4 which the product has been transported, sold, dis-
5 tributed, or otherwise handled, to cease immediately
6 distribution of the product.

7 "(C) To notify appropriate State and local pub-
8 lie health officials.";

9 (E) by striking "comply." in subparagraph
10 (D), as redesignated, and inserting "comply, in-
11 cluding posting clear and conspicuous notice on
12 its Internet website, providing notice to any
13 third party Internet website on which such
14 manufacturer, retailer, distributor, or licensor
15 has placed the product for sale, and announce-
16 ments in languages other than English and on
17 radio and television where the Commission de-
18 termines that a substantial number of con-
19 sumers to whom the recall is directed may not
20 be reached by other notice."; and

21 (F) by adding at the end the following:

22 "(2) The Commission may require a notice de-
23 scribed in paragraph (1) to be distributed in a lan-
24 guage other than English if the Commission deter-

1 mines that doing so is necessary to adequately pro-
2 tect the public.

3 "(3) If a district court determines, in an action
4 filed under section 12, that the product that is the
5 subject of such action is not an imminently haz-
6 ardous consumer product, the Commission shall re-
7 scind any order issued under this subsection with re-
8 spect to such product.";

9 (2) in subsection (d), after "such product" the
10 first place it appears, insert "to provide the notice
11 required by subsection (c) and"; and

12 (3) in subsection (f)-

13 (A) by striking "An order" and inserting

14 "(1) Except as provided in paragraph (2), an
15 order"; and

16 (B) by inserting at the end the following:

17 "(2) The requirement for a hearing in paragraph (1)
18 shall not apply to an order issued under subsection (c)
19 or (d) relating to an imminently hazardous consumer
20 product with regard to which the Commission has filed
21 an action under section 12."

22 **SEC. . CORRECTIVE ACTION PLANS.**

23 **[(b)]** CORRECTIVE ACTION PLANS.—Section 15(d)
24 (15 U.S.C. 2064(d)) is amended-

1 (1) by inserting "(1)" after the subsection des-
2 ignation;

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

5 (3) by striking "whichever of the following ac-
6 tions the person to whom the order is directed
7 elects:" and inserting "any one or more of the fol-
8 lowing actions it determines to be in the public in-
9 terest:";

10 (4) by striking "more (A)" in subparagraph
11 (C), as redesignated, and inserting "more (i)";

12 (5) by striking "or (B)" in subparagraph (C),
13 as redesignated, and inserting "or (ii)";

14 (6) by striking "An order under this subsection
15 may" and inserting:

16 "(2) An order under this subsection shall";

17 (7) by striking "satisfactory to the Commis-
18 sion," and inserting "for approval by the Commis-
19 sion,";

20 (8) by striking "described in paragraph (3)."
21 and inserting "described in paragraph (1)(C)."; and

22 (9) by adding at the end the following:

23 "(3)(A) If the Commission approves an action plan,
24 it shall indicate its approval in writing.

1 "(B) If the Commission finds that an approved action
 2 plan is not effective or appropriate under the cir-
 3 cumstances, or that the manufacturer, retailer, or dis-
 4 tributor is not executing an approved action plan effec-
 5 tively, the Commission may, by order, amend, or require
 6 amendment of, the action plan. In determining whether
 7 an approved plan is effective or appropriate under the cir-
 8 cumstances, the Commission shall consider whether a re-
 9 pair or replacement changes the intended functionality of
 10 the product.

11 "(C) If the Commission determines, after notice and
 12 opportunity for comment, that a manufacturer, retailer,
 13 or distributor has failed to comply substantially with its
 14 obligations under its action plan, the Commission may re-
 15 voke its approval of the action plan. The manufacturer,
 16 retailer, or distributor to which the action plan applies
 17 may not distribute the product to which the action plan
 18 relates in commerce after receipt of notice of a revocation
 19 of the action plan."

20 **SEC. . REQUIREMENTS FOR RECALL NOTICES.**

21 [(C)] CONTENT OF NOTICE.—Section 15 (15 U.S.C.
 22 2064), as amended by section [.....] is further amend-
 23 ed by adding at the end the following:

24 "(j) REQUIREMENTS FOR RECALL NOTICES.-

1 "(1) GUIDELINES.-NOt later than 180 days
2 after the date of enactment of the [TO BE SUP-
3 PLIED] Act, the Commission shall, by rule, estab-
4 lish guidelines setting forth a uniform class of infor-
5 mation to be included in any notice required under
6 an order under subsection (c) or (d) of this section
7 or under section 12. Such guidelines shall include
8 any information that the Commission determines
9 would be helpful to consumers in-

10 "(A) identifying the specific product that
11 is subject to such an order;

12 "(B) understanding the hazard that has
13 been identified with such product (including in-
14 formation regarding incidents or injuries known
15 to have occurred involving such product); and

16 "(C) understanding what remedy, if any, is
17 available to a consumer who has purchased the
18 product.

19 "(2) CONTENT.—Except to the extent that the
20 Commission determines with respect to a particular
21 product that one or more of the following items is
22 unnecessary or inappropriate under the cir-
23 cumstances, the notice shall include the following:

24 "(A) description of the product, includ-
25 ing-

1 "(i) the model number or stock keep-
2 ing unit (SKU) number of the product;

3 "(ii) the names by which the product
4 is commonly known; and

5 "(iii) a photograph of the product.

6 "(B) A description of the action being
7 taken with respect to the product.

8 "(C) The number of units of the product
9 with respect to which the action is being taken.

10 "(D) A description of the substantial prod-
11 uct hazard and the reasons for the action.

12 "(E) An identification of the manufactur-
13 ers and significant retailers of the product.

14 "(F) The dates between which the product
15 was manufactured and sold.

16 "(G) The number and a description of any
17 injuries or deaths associated with the product,
18 the ages of any individuals injured or killed,
19 and the dates on which the Commission re-
20 ceived information about such injuries or
21 deaths.

22 "(H) A description of-

23 "(i) any remedy available to a con-
24 sumer;

1 (ii) any action a consumer must take
2 to obtain a remedy; and

3 (iii) any information a consumer
4 needs to take to obtain a remedy or infor-
5 mation about a remedy, such as mailing
6 addresses, telephone numbers, fax num-
7 bers, and email addresses.

8 (I) Other information the Commission
9 deems appropriate."

10 **[SEC. 210.** *[This section from the House bill is no longer a separate section.*

11 *See the amendment made by section 209(a)(1)(E).]*

12 **SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LAB-**
13 **ORATORIES.**

14 Section 16(a)(1) is amended by striking "or (B)" and
15 inserting "(B) any proprietary laboratories certified under
16 section 14(e), or (C)".

17 **SEC. 212. IDENTIFICATION OF MANUFACTURERS, IMPORT-**
18 **ERS, RETAILERS, AND DISTRIBUTORS.**

19 Section 16 (15 U.S.C. 2065) is further amended by
20 adding at the end thereof the following:

21 "(c) Upon request by an officer or employee duly des-
22 ignated by the Commission-

23 "(1) every importer, retailer, or distributor of a
24 consumer product (or other product or substance
25 over which the Commission has jurisdiction under

1 this or any other Act) shall identify the manufac-
2 turer of that product by name, address, or such
3 other identifying information as the officer or em-
4 ployee may request, to the extent that such inform-
5 tion is known or can be readily determined by the
6 importer, retailer, or distributor; and

7 "(2) every manufacturer shall identify by name,
8 address, or such other identifying information as the
9 officer or employee may request-

10 "(A) each retailer or distributor to which
11 the manufacturer directly supplied a given con-
12 sumer product (or other product or substance
13 over which the Commission has jurisdiction
14 under this or any other Act);

15 "(B) each subcontractor involved in the
16 production or fabrication of such product or
17 substance; and

18 "(C) each subcontractor from which the
19 manufacturer obtained a component thereof."

20 [SEC. 213. EXPORT OF RECALLED AND NONCONFORMING
21 **PRODUCTS.]**

22 [SEC. 214. PROHIBITED ACTS.]

23 SEC. 215. INCREASED CIVIL PENALTY.

24 (a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER
25 PRODUCT SAFETY COMMISSION.-

1 (1) CONSUMER PRODUCT SAFETY ACT.—Section
2 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended-

3 (A) by striking "\$5,000" and inserting
4 "\$100,000";

5 (B) by striking "\$1,250,000" both places
6 it appears and inserting "\$15,000,000"; and

7 (C) by striking "December 1, 1994," in
8 paragraph (3)(B) and inserting "December 1,
9 2011,".

10 (2) FEDERAL HAZARDOUS SUBSTANCES ACT.-
11 Section 5(c)(1) of the Federal Hazardous Sub-
12 stances Act (15 U.S.C. 1264(c)(1)) is amended-

13 (A) by striking "\$5,000" in paragraph (1)
14 and inserting "\$100,000";

15 (B) by striking "\$1,250,000" both places
16 it appears and inserting "\$15,000,000"; and

17 (C) by striking "December 1, 1994," in
18 paragraph (6)(B) and inserting "December 1,
19 2011,".

20 (3) FLAMMABLE FABRICS ACT.—Section 5(e)(1)
21 of the Flammable Fabrics Act (15 U.S.C.
22 1194(e)(1)) is amended-

23 (A) by striking "\$5,000" in paragraph (1)
24 and inserting "\$100,000";

1 (B) by striking "\$1,250,000" and insert-
2 ing "\$15,000,000"; and

3 (C) by striking "December 1, 1994," in
4 paragraph (6)(B) and inserting "December 1,
5 2011,".

6 (4) EFFECTIVE DATE.—The amendments made
7 by this subsection shall take effect on the date that
8 is the earlier of the date on which final regulations
9 are issued under subsection (b)(2) or 1 year after
10 the date of enactment of this Act.

11 (b) DETERMINATION OF PENALTIES BY THE CON-
12 SUMER PRODUCT SAFETY COMMISSION.-

13 (1) FACTORS TO BE CONSIDERED.-

14 (A) CONSUMER PRODUCT SAFETY ACT.-
15 Section 20(b) (15 U.S.C. 2069(b)) is amend-
16 ed-

17 (i) by inserting "the nature, cir-
18 cumstances, extent, and gravity of the vio-
19 lation, including" after "shall consider";

20 (ii) by striking "products distributed,
21 and" and inserting "products distrib-
22 uted,"; and

23 (iii) by inserting ", and such other
24 factors as appropriate" before the period.

1 **(B) FEDERAL HAZARDOUS SUBSTANCES**
2 **ACT.**—Section 5(c)(3) of the Federal Haz-
3 ardous Substances Act (15 U.S.C. 1264(c)(3))
4 is amended-

5 (i) by inserting "the nature, cir-
6 cumstances, extent ,and gravity of the vio-
7 lation, including" after "shall consider";

8 (ii) by striking "substance distributed,
9 and" and inserting "substance distrib-
10 uted,"; and

11 (iii) by inserting ", and such other
12 factors as appropriate" before the period.

13 **(C) FLAMMABLE FABRICS ACT.**—Section
14 5(e)(2) of the Flammable Fabrics Act (15
15 U.S.C. 1194(e)(2)) is amended-

16 (i) by striking "nature and number"
17 and inserting "nature, circumstances, ex-
18 tent, and gravity";

19 (ii) by striking "absence of injury,
20 and" and inserting "absence of injury,";
21 and

22 (iii) by inserting ", and such other
23 factors as appropriate" before the period.

24 **(2) CIVIL PENALTY CRITERIA.-**

1 (A) REGULATIONS.—Not later than 1 year
2 after the date of enactment of this Act, and in
3 accordance with the procedures of section 553
4 of title 5, United States Code, the Commission
5 shall issue a final regulation providing its inter-
6 pretation of the penalty factors described in
7 section 20(b) of the Consumer Product Safety
8 Act (15 U.S.C. 2069(b)), section 5(c)(3) of the
9 Federal Hazardous Substances Act (15 U.S.C.
10 1264(c)(3)), and section 5(e)(2) of the Flam-
11 mable Fabrics Act (15 U.S.C. 1194(e)(2)), as
12 amended by subsection (a).

13 (B) CONSIDERATION OF SMALL BUSI-
14 NESSs.—Section 20 (15 U.S.C. 2069) is
15 amended-

16 (i) by striking "charged." in sub-
17 section (b) and inserting "charged, includ-
18 ing how to mitigate undue adverse eco-
19 nomic impacts on small businesses."; and

20 (ii) by striking "charged," in sub-
21 section (c) and inserting "charged (includ-
22 ing how to mitigate undue adverse eco-
23 nomic impacts on small businesses),".

1 [SEC. . [CRIMINAL PENALTIES PROVISION].]

2 [SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GEN-
3 ERAL.]

4 [SEC. 218. [PREEMPTION PROVISION AMENDING/AFFECT-
5 ING SECTIONS 25 AND 26 OF CPSA].]

*[There are additional preemption issues on the table
some of which will need to be dealt with outside of this sec-
tion.]*

6 SEC. 219. SHARING OF INFORMATION WITH FEDERAL,
7 STATE, LOCAL, AND FOREIGN GOVERNMENT
8 AGENCIES.

9 Section 29 (15 U.S.C. 2078) is amended by adding
10 at the end the following:

11 "(f)(1) Notwithstanding the requirements of section
12 6 relating to public disclosure of information, the Commis-
13 sion may make information obtained by the Commission
14 available to any Federal, State, local, or foreign govern-
15 ment agency upon the prior certification of an appropriate
16 official of any such agency, either by a prior agreement
17 or memorandum of understanding with the Commission
18 or by other written certification, that such material will
19 be maintained in confidence and will be used only for offi-
20 cial law enforcement or consumer protection purposes,
21 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
5 of investigating, or engaging in enforcement pro-
6 ceedings related to, possible violations of-

7 "(i) laws regulating the manufacture, im-
8 portation, distribution, or sale of defective or
9 unsafe consumer products, or other practices
10 substantially similar to practices prohibited by
11 any 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
19 foreign criminal laws are offenses defined in or
20 covered by a criminal mutual legal assistance
21 treaty in force between the government of the
22 United States and the foreign law enforcement
23 agency's government; and

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

1 Secretary of State has determined, in accordance
2 with section 6(j) of the Export Administration Act
3 of 1979 (50 U.S.C. App. 2405(j)), has repeatedly
4 provided support for acts of international terrorism,
5 unless and until such determination is rescinded
6 pursuant to section 6(j)(4) of that Act (50 U.S.C.
7 App. 24050)(4)).

8 "(2) The Commission may abrogate any agree-
9 ment or memorandum of understanding with an-
10 other agency if the Commission determines that the
11 other agency has failed to maintain in confidence
12 any information provided under such agreement or
13 memorandum of understanding, or has used any
14 such information for purposes other than those set
15 forth in such agreement or memorandum of under-
16 standing.

17 "(3) Except as provided in paragraph (4), the
18 Commission shall not be required to disclose under
19 section 552 of title 5, United States Code, or any
20 other provision of law-

21 "(A) 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 "(B) any material reflecting a consumer
4 complaint obtained from any other foreign
5 source, if that foreign source supplying the ma-
6 terial has requested confidential treatment as a
7 condition of providing the material; or

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

12 "(4) 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 Corn-
17 mission.

18 "(5) In this subsection, the term 'foreign government
19 agency' means-

20 "(A) any agency or judicial authority of a for-
21 eign government, including a foreign state, a polit-
22 ical subdivision of a foreign state, or a multinational
23 organization constituted by and comprised of foreign
24 states, that is vested with law enforcement or inves-

1 tigative authority in civil, criminal, or administrative
2 matters; and

3 "(B) any multinational organization, to the ex-
4 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 Corn-
11 mission shall notify each State's health department (or
12 other agency designated by the State) of the recall or
13 order."

14 **[SEC. 220. [INSPECTOR GENERAL PROVISION].]**

15 **SEC. 221. REPEAL**

16 Section 30 (15 U.S.C. 2079) is amended by striking
17 subsection (d) and redesignating subsections (e) and (f)
18 as subsections (d) and (e), respectively.

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

20 The Consumer Product Safety Act (15 U.S.C. 1251
21 et seq.) is amended by adding at the end the following
22 new section:

23 **"SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.**

24 "Notwithstanding section 1353 of title 31, United
25 States Code, no Commissioner or employee of the Commis-

1 sion shall accept travel, subsistence, and related expenses
2 with respect to attendance by a Commissioner or employee
3 at any meeting or similar function relating to official du-
4 ties of a Commissioner or an employee, from a person-

5 "(1) seeking official action from, doing business
6 with, or conducting activities regulated by, the Corn-
7 mission; or

8 "(2) whose interests may be substantially af-
9 fected by the performance or nonperformance of the
10 Commissioner's or employee's official duties.".

11 SEC. 223. ANNUAL REPORTING REQUIREMENT.

12 Section 27(j) (15 U.S.C. 2076(j)) is amended-

13 (1) in the matter preceding paragraph (1), by
14 striking "The Commission" and inserting "Notwith-
15 standing section 3003 of the Federal Reports Elimini-
16 nation and Sunset Act of 1995 (31 U.S.C. 1113
17 note), the Commission"; and

18 (2) by redesignating paragraphs (5) through
19 (11) as paragraphs (7) through (13), respectively,
20 and inserting after paragraph (4) the following:

21 "(5) the number and summary of recall orders
22 issued under section 12 or 15 during such year and
23 a summary of voluntary actions taken by manufac-
24 turers of which the Commission has notified the

1 public, and an assessment of such orders and ac-
2 tions;

3 "(6) beginning not later than 1 year after the
4 date of enactment of the [TO BE SUPPLIED]
5 Act-

6 "(A) progress reports and incident updates
7 with respect to action plans implemented under
8 section 15(d);

9 "(B) statistics with respect to injuries and
10 deaths associated with products that the Corn-
11 mission determines present a substantial prod-
12 uct hazard under section 15(c); and

13 "(C) the number and type of communica-
14 tion from consumers to the Commission with
15 respect to each product with respect to which
16 the Commission takes action under section
17 15(d);".

18 **SEC. 224. STUDY AND REPORT ON EFFECTIVENESS OF AU-**
19 **THORITIES RELATING TO SAFETY OF IM-**
20 **PORTED CONSUMER PRODUCTS.**

21 Not later than 1 year after the date of the enactment
22 of this Act, the Comptroller General of the United States
23 shall-

24 (1) conduct a study of the authorities and pro-
25 visions of the Consumer Product Safety Act (15

1 U.S.C. 2051 et seq.) to assess the effectiveness of
2 such authorities and provisions in preventing unsafe
3 consumer products from entering the customs terri-
4 tory of the United States;

5 (2) review and provide recommendations with
6 respect to plans to prevent unsafe consumer prod-
7 ucts from entering the customs territory of the
8 United States; and

9 (3) submit to Congress a report on the findings
10 of the Comptroller General with respect to para-
11 graphs (1) and (2), including legislative rec-
12 ommendations related to, as a minimum-

13 (A) inspection of foreign manufacturing
14 plants by the Consumer Product Safety Corn-
15 mission; and

16 (B) requiring foreign manufacturers to
17 consent to the jurisdiction of United States
18 courts with respect to enforcement actions by
19 the Consumer Product Safety Commission.

20 **SEC. COST-BENEFIT ANALYSIS UNDER THE POISON**
21 **PREVENTION PACKAGING ACT OF 1970.**

22 Section 3 of the Poison Prevention Packaging Act of
23 1970 (15 U.S.C. 1472) is amended by adding at the end
24 thereof the following:

1 "(e) Nothing in this Act shall be construed to require
2 the Consumer Product Safety Commission, in establishing
3 a standard under this section, to prepare a comparison
4 of the costs that would be incurred in complying with such
5 standard with the benefits of such standard."

6 **SEC. EMPLOYEE TRAINING EXCHANGES.**

7 (a) **IN GENERAL.**—The Commission may-

8 (1) retain or employ officers or employees of
9 foreign government agencies on a temporary basis
10 pursuant to section 4 of the Consumer Product
11 Safety Act (15 U.S.C. 2053) or section 3101 or
12 3109 of title 5, United States Code; and

13 (2) detail officers or employees of the Commis-
14 sion to work on a temporary basis for appropriate
15 foreign government agencies for the purpose of pro-
16 viding or receiving training.

17 (b) **RECIPROCITY AND REIMBURSEMENT.** —The Com-
18 mission may execute the authority contained in subsection
19 (a) with or without reimbursement in money or in kind,
20 and with or without reciprocal arrangements by or on be-
21 half of the foreign government agency involved. Any
22 amounts received as reimbursement for expenses incurred
23 by the Commission under this section shall be credited to
24 the appropriations account from which such expenses were
25 paid.

1 (c) STANDARDS OF CONDUCT.—An individual re-
2 tained or employed under subsection (a)(9)(1) shall be
3 considered to be Federal employees while so retained or
4 employed, only for purposes of-

5 (1) injury compensation as provided in chapter
6 81 of title 5, United States Code, and tort claims li-
7 ability under chapter 171 of title 28, United States
8 Code;

9 (2) the Ethics in Government Act (5 U.S.C.
10 App.) and the provisions of chapter 11 of title 18,
11 United States Code; and

12 (3) any other statute or regulation governing
13 the conduct of Federal employees.