

**Suspend the Rules and Pass the Bill, HR. 8134, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8134

To support the Consumer Product Safety Commission's capability to protect consumers from unsafe consumer products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 28, 2020

Ms. SCHAKOWSKY (for herself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To support the Consumer Product Safety Commission's capability to protect consumers from unsafe consumer products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Consumer Product  
5 Safety Inspection Enhancement Act".

1 **SEC. 2. ENHANCED RISK ASSESSMENT METHODOLOGY.**

2 Section 17 of the Consumer Product Safety Act (15  
3 U.S.C. 2066) is amended by adding at the end the fol-  
4 lowing new subsection:

5 “(i) ENHANCED RISK ASSESSMENT METHOD-  
6 OLOGY.—

7 “(1) IN GENERAL.—Not later than 18 months  
8 after the date of enactment of the Consumer Prod-  
9 uct Safety Inspection Enhancement Act, the Com-  
10 mission shall enhance targeting, surveillance, and  
11 screening of consumer products entering the United  
12 States at ports of entry, including ports of entry for  
13 de minimis shipments, by—

14 “(A) working in consultation with Customs  
15 and Border Protection to—

16 “(i) access and leverage all available  
17 data, including manifest data, to enhance  
18 targeting of violative consumer products,  
19 including de minimis shipments containing  
20 violative consumer products;

21 “(ii) access and leverage intellectual  
22 property rights seizure data to target prod-  
23 ucts that may have both intellectual prop-  
24 erty rights infringements and consumer  
25 product safety violations;

1                   “(iii) prioritize shipments coming  
2                   from the People’s Republic of China; and

3                   “(iv) use the Participating Govern-  
4                   ment Agencies Message Set, or any suc-  
5                   cessor program, and additional consumer  
6                   product specific data elements, including  
7                   certificates of compliance and any other  
8                   data that the Commission needs, to help  
9                   risk assess and target violative consumer  
10                  products; and

11                  “(B) building and improving information  
12                  technology systems to support electronic access  
13                  to and connection with the data and targeting  
14                  systems associated with express consignment  
15                  carrier facilities, international mail facilities,  
16                  electronic commerce platforms, and other appli-  
17                  cable system participants.

18                  “(2) ELECTRONIC FILING OF CERTIFICATES OF  
19                  COMPLIANCE.—Beginning not later than 2 years  
20                  after the date of enactment of the Consumer Prod-  
21                  uct Safety Inspection Enhancement Act, certificates  
22                  of compliance shall be filed electronically for con-  
23                  sumer products intended for entry into the United  
24                  States to enhance risk assessment and target de

1        minimis shipments containing violative consumer  
2        products.

3            “(3) DEFINITIONS.—As used in this sub-  
4        section—

5            “(A) the term ‘de minimis shipments’  
6        means articles containing consumer products  
7        entering the United States under the de mini-  
8        mis value exemption in 19 U.S.C.  
9        1321(a)(2)(C);

10           “(B) the term ‘express consignment carrier  
11        facility’ means a separate or shared specialized  
12        facility approved by the port director solely for  
13        the examination and release of express consign-  
14        ment shipments;

15           “(C) the term ‘ports of entry for de mini-  
16        mis shipments’ means environments where de  
17        minimis shipments are processed, including ex-  
18        press consignment carrier facilities, inter-  
19        national mail facilities, and air cargo facilities;

20           “(D) the term ‘violative consumer prod-  
21        ucts’ means consumer products in violation of  
22        an applicable consumer product safety rule  
23        under this Act or any similar rule, regulation,  
24        standard, or ban under any other Act enforced  
25        by the Commission.”.

1 **SEC. 3. ADDITIONAL CPSC SURVEILLANCE PERSONNEL AT**  
2 **KEY PORTS OF ENTRY FOR DE MINIMIS SHIP-**  
3 **MENTS.**

4 The Commission shall hire, train, and assign not  
5 fewer than 16 full-time equivalent personnel during each  
6 fiscal year and to be stationed at or supporting efforts  
7 at ports of entry, including ports of entry for de minimis  
8 shipments, for the purpose of identifying, assessing, and  
9 addressing shipments of violative consumer products.  
10 Such hiring shall continue during each fiscal year until  
11 the total number of full-time equivalent personnel equals  
12 and sustains the staffing requirements identified in the re-  
13 port to Congress required under section 4.

14 **SEC. 4. REPORT TO CONGRESS.**

15 (a) IN GENERAL.—Not later than 18 months after  
16 the date of enactment of this Act, the Commission shall  
17 transmit to the Committee on Energy and Commerce of  
18 the House of Representatives and the Committee on Com-  
19 merce, Science, and Transportation of the Senate, and  
20 make publicly available, a study and report assessing the  
21 risk to consumers associated with the targeting and  
22 screening of de minimis e-commerce shipments.

23 (b) REPORT REQUIREMENTS.—In the study and re-  
24 port, the Commission shall—

25 (1) examine a sampling of de minimis ship-  
26 ments at a sufficient and representative sample of

1 all types of ports of entry where de minimis ship-  
2 ments are processed, including express consignment  
3 carrier facilities, international mail facilities, and air  
4 cargo facilities to assess the extent to which such  
5 shipments include violative consumer products;

6 (2) examine a sampling of shipments coming  
7 from the People's Republic of China to identify  
8 trends associated with the shipment of products con-  
9 taining both intellectual property rights infringe-  
10 ments and consumer product safety violations;

11 (3) detail plans and timelines to effectively ad-  
12 dress targeting and screening of de minimis ship-  
13 ments to prevent the entry of violative consumer  
14 products entering into the commerce of the United  
15 States taking into consideration projected growth in  
16 e-commerce;

17 (4) establish metrics by which to evaluate the  
18 effectiveness of the Commission efforts to reduce the  
19 number of de minimis shipments containing violative  
20 consumer products from entering into the commerce  
21 of the United States; and

22 (5) assess projected technology and resources,  
23 including staffing requirements necessary to imple-  
24 ment such plans.

1 **SEC. 5. DEFINITIONS.**

2 In this Act—

3 (1) the term “Commission” means the Con-  
4 sumer Product Safety Commission;

5 (2) the term “de minimis shipments” means ar-  
6 ticles containing consumer products entering the  
7 United States under the de minimis value exemption  
8 in 19 U.S.C. 1321(a)(2)(C);

9 (3) the term “ports of entry for de minimis  
10 shipments” means environments where de minimis  
11 shipments are processed, including express consign-  
12 ment carrier facilities, international mail facilities,  
13 and air cargo facilities;

14 (4) the term “violative consumer products”  
15 means consumer products in violation of an applica-  
16 ble consumer product safety rule under the Con-  
17 sumer Product Safety Act or any similar rule, regu-  
18 lation, standard, or ban under any other Act en-  
19 forced by the Commission;

20 (5) the term “electronic commerce platform” or  
21 “e-commerce platform” means any electronically  
22 accessed platform that includes publicly interactive  
23 features that allow for arranging the sale, purchase,  
24 payment, or shipping of goods, or that enables a  
25 person other than an operator of such platform to

1 sell or offer to sell physical goods to consumers lo-  
2 cated in the United States; and

3 (6) the term “express consignment carrier facil-  
4 ity” means a separate or shared specialized facility  
5 approved by the port director solely for the examina-  
6 tion and release of express consignment shipments.

7 **SEC. 6. SAVINGS CLAUSE.**

8 Nothing in this Act shall be construed to limit, affect,  
9 or conflict with any other authority of the Commission or  
10 any other statutory requirements governing the Commis-  
11 sion.