

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
TO THE COMMITTEE PRINT RELATING
TO OTHER PROGRAMS
OFFERED BY M . — —————**

Page 5, beginning on line 16, strike “Commission to—” and all that follows through page 7, line 16, and insert “Commission to carry out the activities described in subsection (b)”.

Page 7, after line 16, insert the following new subsection:

1 (b) ENHANCED RISK ASSESSMENT METHOD-
2 OLOGY.—

3 (1) IN GENERAL.—Not later than 18 months
4 after the date of enactment of this section, the Com-
5 mission shall enhance targeting, surveillance, and
6 screening of consumer products entering the United
7 States at ports of entry, including ports of entry for
8 de minimis shipments, by—

9 (A) working in consultation with Customs
10 and Border Protection to—

11 (i) access and leverage all available
12 data, including manifest data, to enhance
13 targeting of violative consumer products,

1 including de minimis shipments containing
2 violative consumer products;

3 (ii) access and leverage intellectual
4 property rights seizure data to target prod-
5 ucts that may have both intellectual prop-
6 erty rights infringements and consumer
7 product safety violations;

8 (iii) prioritize shipments coming from
9 the People's Republic of China; and

10 (iv) use the Participating Government
11 Agencies Message Set, or any successor
12 program, and additional consumer product
13 specific data elements, including certifi-
14 cates of compliance and any other data
15 that the Commission needs, to help risk as-
16 sess and target violative consumer prod-
17 ucts; and

18 (B) building and improving information
19 technology systems to support electronic access
20 to and connection with the data and targeting
21 systems associated with express consignment
22 carrier facilities, international mail facilities,
23 electronic commerce platforms, and other appli-
24 cable system participants.

1 (2) ELECTRONIC FILING OF CERTIFICATES OF
2 COMPLIANCE.—Beginning not later than 2 years
3 after the date of enactment of this section, certifi-
4 cates of compliance shall be filed electronically for
5 consumer products intended for entry into the
6 United States to enhance risk assessment and target
7 de minimis shipments containing violative consumer
8 products.

9 (c) ADDITIONAL CPSC SURVEILLANCE PERSONNEL
10 AT KEY PORTS OF ENTRY FOR DE MINIMIS SHIP-
11 MENTS.—The Commission shall hire, train, and assign not
12 fewer than 16 full-time equivalent personnel during each
13 fiscal year and to be stationed at or supporting efforts
14 at ports of entry, including ports of entry for de minimis
15 shipments, for the purpose of identifying, assessing, and
16 addressing shipments of violative consumer products.
17 Such hiring shall continue during each fiscal year until
18 the total number of full-time equivalent personnel equals
19 and sustains the staffing requirements identified in the re-
20 port to Congress required under subsection (d).

21 (d) REPORT TO CONGRESS.—

22 (1) IN GENERAL.—Not later than 18 months
23 after the date of enactment of this section, the Com-
24 mission shall transmit to the Committee on Energy
25 and Commerce of the House of Representatives and

1 the Committee on Commerce, Science, and Trans-
2 portation of the Senate, and make publicly available,
3 a study and report assessing the risk to consumers
4 associated with the targeting and screening of de
5 minimis e-commerce shipments.

6 (2) REPORT REQUIREMENTS.—In the study and
7 report, the Commission shall—

8 (A) examine a sampling of de minimis
9 shipments at a sufficient and representative
10 sample of all types of ports of entry where de
11 minimis shipments are processed, including ex-
12 press consignment carrier facilities, inter-
13 national mail facilities, and air cargo facilities
14 to assess the extent to which such shipments in-
15 clude violative consumer products;

16 (B) examine a sampling of shipments com-
17 ing from the People’s Republic of China to
18 identify trends associated with the shipment of
19 products containing both intellectual property
20 rights infringements and consumer product
21 safety violations;

22 (C) detail plans and timelines to effectively
23 address targeting and screening of de minimis
24 shipments to prevent the entry of violative con-
25 sumer products entering into the commerce of

1 the United States taking into consideration pro-
2 jected growth in e-commerce;

3 (D) establish metrics by which to evaluate
4 the effectiveness of the Commission efforts to
5 reduce the number of de minimis shipments
6 containing violative consumer products from en-
7 tering into the commerce of the United States;
8 and

9 (E) assess projected technology and re-
10 sources, including staffing requirements nec-
11 essary to implement such plans.

12 (e) DEFINITIONS.—In this section—

13 (1) the term “Commission” means the Con-
14 sumer Product Safety Commission;

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

19 (3) the term “ports of entry for de minimis
20 shipments” means environments where de minimis
21 shipments are processed, including express consign-
22 ment carrier facilities, international mail facilities,
23 and air cargo facilities;

24 (4) the term “violative consumer products”
25 means consumer products in violation of an applica-

1 ble consumer product safety rule under the Con-
2 sumer Product Safety Act or any similar rule, regu-
3 lation, standard, or ban under any other Act en-
4 forced by the Commission;

5 (5) the term “electronic commerce platform” or
6 “e-commerce platform” means any electronically
7 accessed platform that includes publicly interactive
8 features that allow for arranging the sale, purchase,
9 payment, or shipping of goods, or that enables a
10 person other than an operator of such platform to
11 sell or offer to sell physical goods to consumers lo-
12 cated in the United States; and

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

