

**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 (a) CPSC SURVEILLANCE PERSONNEL DURING THE
2 COVID-19 PANDEMIC.—For the duration of a public
3 health emergency declared pursuant to section 319 of the
4 Public Health Service Act (42 U.S.C. 247d) as a result
5 of confirmed cases of 2019 novel coronavirus (COVID–
6 19), including any renewal thereof, the Commission shall
7 ensure, to the maximum extent feasible, that investigators
8 are stationed at ports of entry to protect the public against
9 unreasonable risk of injury from consumer products, with
10 the goal of covering no fewer than 90 percent of all con-
11 sumer products entering the United States that are risk-
12 scored in the Risk Assessment Methodology system. The
13 Commission shall consult with United States Customs and

1 Border Protection, and other relevant agencies, including
2 health and safety agencies, on methods to safely staff
3 ports during the pandemic.

4 (b) ADDITIONAL CPSC SURVEILLANCE PERSONNEL
5 AT KEY PORTS OF ENTRY.—The Commission shall hire,
6 train, and assign not fewer than 16 additional full-time
7 equivalent personnel to be stationed at or supporting ef-
8 forts at ports of entry, including ports of entry for de
9 minimis shipments, for the purpose of identifying, assess-
10 ing, and addressing shipments of violative consumer prod-
11 ucts. Such hiring shall continue during each fiscal year
12 until the total number of full-time equivalent personnel
13 equals and sustains the staffing requirements identified in
14 the report to Congress required under subsection
15 (c)(2)(F).

16 (c) REPORT TO CONGRESS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this section, the Com-
19 mission shall transmit to Congress, and make pub-
20 licly available, a study and report assessing the risk
21 to consumers associated with the reduction in Com-
22 mission port inspection activity during the COVID-
23 19 pandemic and the targeting and screening of de
24 minimis shipments.

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

3 (A) identify—

4 (i) the risks associated with the reduc-
5 tion in Commission port inspection activity
6 during the COVID-19 pandemic;

7 (ii) the extent to which the reduction
8 in port inspection activity is linked to inad-
9 equate Commission resources or due to
10 shortages of trained Commission staff due
11 to the COVID-19 pandemic; and

12 (iii) the steps the Commission has
13 taken and plans to take to mitigate those
14 risks, such as recalls, inspections of prod-
15 uct inventory, consumer warnings, and
16 other appropriate measures;

17 (B) examine a sampling of de minimis
18 shipments at a sufficient and representative
19 sample of all types of ports of entry where de
20 minimis shipments are processed, including ex-
21 press consignment carrier facilities, inter-
22 national mail facilities, and air cargo facilities
23 to assess the extent to which such shipments in-
24 clude violative consumer products;

1 (C) examine a sampling of shipments com-
2 ing from countries identified as high-risk for ex-
3 porting violative consumer products to identify
4 trends associated with the shipment of products
5 containing both intellectual property rights in-
6 fringements and consumer product safety viola-
7 tions;

8 (D) detail plans and timelines to effectively
9 address targeting and screening of de minimis
10 shipments to prevent the entry of violative con-
11 sumer products entering into the commerce of
12 the United States taking into consideration pro-
13 jected growth in e-commerce;

14 (E) establish metrics by which to evaluate
15 the effectiveness of the Commission efforts to
16 reduce the number of de minimis shipments
17 containing violative consumer products from en-
18 tering into the commerce of the United States;
19 and

20 (F) assess projected technology and re-
21 sources, including staffing requirements nec-
22 essary to implement such plans based on avail-
23 able and needed Commission resources.

24 (d) DEFINITIONS.—In this section—

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

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

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

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

18 (e) SAVINGS CLAUSE.—Nothing in this section shall
19 be construed to limit, affect, or conflict with any other
20 authority of the Commission or any other statutory re-
21 quirements governing the Commission.

