

Union Calendar No. 437

116TH CONGRESS
2D SESSION

H. R. 8134

[Report No. 116–537]

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

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

SEPTEMBER 24, 2020

Reported from the Committee on Energy and Commerce; committed to the
Committee of the Whole House on the State of the Union and ordered
to be printed

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”.

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

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

10 “(i) ENHANCED RISK ASSESSMENT METHOD-
11 ODOLOGY.—

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

19 “(B) working in consultation with Customs
20 and Border Protection to—

21 “(i) access and leverage all available
22 data, including manifest data, to enhance
23 targeting of violative consumer products,
24 including de minimis shipments containing
25 violative consumer products;

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

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

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

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

23 “(2) ELECTRONIC FILING OF CERTIFICATES OF
24 COMPLIANCE.—Beginning not later than 2 years
25 after the date of enactment of the Port Surveillance

1 Modernization Act, certificates of compliance shall
2 be filed electronically for consumer products in-
3 tended for entry into the United States to enhance
4 risk assessment and target de minimis shipments
5 containing violative consumer products.

6 “(3) DEFINITIONS.—As used in this
7 subsection—

8 “(A) the term ‘de minimis shipments’
9 means articles containing consumer products
10 entering the United States under the de mini-
11 mis value exemption in 19 U.S.C.
12 1321(a)(2)(C);

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

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

23 “(D) the term ‘violative consumer prod-
24 ucts’ means consumer products in violation of
25 an applicable consumer product safety rule

1 under this Act or any similar rule, regulation,
2 standard, or ban under any other Act enforced
3 by the Commission.”.

4 **SEC. 3. ADDITIONAL CPSC SURVEILLANCE PERSONNEL AT**
5 **KEY PORTS OF ENTRY FOR DE MINIMIS SHIP-**
6 **MENTS.**

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

17 **SEC. 4. REPORT TO CONGRESS.**

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

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

3 (1) examine a sampling of de minimis ship-
4 ments at a sufficient and representative sample of
5 all types of ports of entry where de minimis ship-
6 ments are processed, including express consignment
7 carrier facilities, international mail facilities, and air
8 cargo facilities to assess the extent to which such
9 shipments include violative consumer products;

10 (2) examine a sampling of shipments coming
11 from the People’s Republic of China to identify
12 trends associated with the shipment of products con-
13 taining both intellectual property rights infringe-
14 ments and consumer product safety violations;

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

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

1 (5) assess projected technology and resources,
2 including staffing requirements necessary to imple-
3 ment such plans.

4 **SEC. 5. DEFINITIONS.**

5 In this Act—

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

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

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

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

23 (5) the term “electronic commerce platform” or
24 “e-commerce platform” means any electronically
25 accessed platform that includes publicly interactive

1 features that allow for arranging the sale, purchase,
2 payment, or shipping of goods, or that enables a
3 person other than an operator of such platform to
4 sell or offer to sell physical goods to consumers lo-
5 cated in the United States; and

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

10 **SEC. 6. SAVINGS CLAUSE.**

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

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