

116TH CONGRESS  
2D SESSION

# H. R. 8134

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

---

## 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:

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

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

10               “(B) working in consultation with Customs  
11 and Border Protection to—

12               “(i) access and leverage all available  
13 data, including manifest data, to enhance  
14 targeting of violative consumer products,  
15 including de minimis shipments containing  
16 violative consumer products;

17               “(ii) access and leverage intellectual  
18 property rights seizure data to target prod-  
19 ucts that may have both intellectual prop-  
20 erty rights infringements and consumer  
21 product safety violations;

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

24               “(iv) use the Participating Govern-  
25 ment Agencies Message Set, or any suc-

cessor program, and additional consumer product specific data elements, including certificates of compliance and any other data that the Commission needs, to help risk assess and target violative consumer products; and

“(C) building and improving information technology systems to support electronic access to and connection with the data and targeting systems associated with express consignment carrier facilities, international mail facilities, electronic commerce platforms, and other applicable system participants.

“(2) ELECTRONIC FILING OF CERTIFICATES OF COMPLIANCE.—Beginning not later than 2 years after the date of enactment of the Port Surveillance Modernization Act, certificates of compliance shall be filed electronically for consumer products intended for entry into the United States to enhance risk assessment and target de minimis shipments containing violative consumer products.

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

“(A) the term ‘de minimis shipments’ means articles containing consumer products

entering the United States under the de minimis value exemption in 19 U.S.C. 1321(a)(2)(C);

“(B) the term ‘express consignment carrier facility’ means a separate or shared specialized facility approved by the port director solely for the examination and release of express consignment shipments;

“(C) the term ‘ports of entry for de minimis shipments’ means environments where de minimis shipments are processed, including express consignment carrier facilities, international mail facilities, and air cargo facilities;

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

**SEC. 3. ADDITIONAL CPSC SURVEILLANCE PERSONNEL AT  
KEY PORTS OF ENTRY FOR DE MINIMIS SHIPMENTS.**

The Commission shall hire, train, and assign not fewer than 16 full-time equivalent personnel during each fiscal year and to be stationed at or supporting efforts

1 at ports of entry, including ports of entry for de minimis  
2 shipments, for the purpose of identifying, assessing, and  
3 addressing shipments of violative consumer products.  
4 Such hiring shall continue during each fiscal year until  
5 the total number of full-time equivalent personnel equals  
6 and sustains the staffing requirements identified in the re-  
7 port to Congress required under section 4.

8 **SEC. 4. REPORT TO CONGRESS.**

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

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

19 (1) examine a sampling of de minimis ship-  
20 ments at a sufficient and representative sample of  
21 all types of ports of entry where de minimis ship-  
22 ments are processed, including express consignment  
23 carrier facilities, international mail facilities, and air  
24 cargo facilities to assess the extent to which such  
25 shipments include violative consumer products;

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

6           (3) detail plans and timelines to effectively ad-  
7           dress targeting and screening of de minimis ship-  
8           ments to prevent the entry of violative consumer  
9           products entering into the commerce of the United  
10          States taking into consideration projected growth in  
11          e-commerce;

12          (4) establish metrics by which to evaluate the  
13          effectiveness of the Commission efforts to reduce the  
14          number of de minimis shipments containing violative  
15          consumer products from entering into the commerce  
16          of the United States; and

17          (5) assess projected technology and resources,  
18          including staffing requirements necessary to imple-  
19          ment such plans.

20 **SEC. 5. DEFINITIONS.**

21          In this Act—

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

24               (2) the term “de minimis shipments” means ar-  
25               ticles containing consumer products entering the

1 United States under the de minimis value exemption  
2 in 19 U.S.C. 1321(a)(2)(C);

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

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

14 (5) the term “electronic commerce platform” or  
15 “e-commerce platform” means any electronically  
16 accessed platform that includes publicly interactive  
17 features that allow for arranging the sale, purchase,  
18 payment, or shipping of goods, or that enables a  
19 person other than an operator of such platform to  
20 sell or offer to sell physical goods to consumers lo-  
21 cated in the United States; and

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

1 **SEC. 6. SAVINGS CLAUSE.**

2       Nothing in this Act shall be construed to limit, affect,  
3 or conflict with any other authority of the Commission or  
4 any other statutory requirements governing the Commis-  
5 sion.

○