

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-

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

7 “(C) building and improving information
8 technology systems to support electronic access
9 to and connection with the data and targeting
10 systems associated with express consignment
11 carrier facilities, international mail facilities,
12 electronic commerce platforms, and other appli-
13 cable system participants.

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

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

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

1 entering the United States under the de mini-
2 mis value exemption in 19 U.S.C.
3 1321(a)(2)(C);

4 “(B) the term ‘express consignment carrier
5 facility’ means a separate or shared specialized
6 facility approved by the port director solely for
7 the examination and release of express consign-
8 ment shipments;

9 “(C) the term ‘ports of entry for de mini-
10 mis shipments’ means environments where de
11 minimis shipments are processed, including ex-
12 press consignment carrier facilities, inter-
13 national mail facilities, and air cargo facilities;

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

20 **SEC. 3. ADDITIONAL CPSC SURVEILLANCE PERSONNEL AT**
21 **KEY PORTS OF ENTRY FOR DE MINIMIS SHIP-**
22 **MENTS.**

23 The Commission shall hire, train, and assign not
24 fewer than 16 full-time equivalent personnel during each
25 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.

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