

116TH CONGRESS
2D SESSION

H. R. 8134

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consumer Product
3 Safety Inspection Enhancement Act”.

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

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

8 “(i) ENHANCED RISK ASSESSMENT METHOD-
9 OLOGY.—

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

17 “(A) working in consultation with Customs
18 and Border Protection to—

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

24 “(ii) access and leverage intellectual
25 property rights seizure data to target prod-
26 ucts that may have both intellectual prop-

1 erty rights infringements and consumer
2 product safety violations;

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

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

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

20 “(2) ELECTRONIC FILING OF CERTIFICATES OF
21 COMPLIANCE.—Beginning not later than 2 years
22 after the date of enactment of the Consumer Prod-
23 uct Safety Inspection Enhancement Act, certificates
24 of compliance shall be filed electronically for con-
25 sumer products intended for entry into the United

1 States to enhance risk assessment and target de
2 minimis shipments containing violative consumer
3 products.

4 “(3) DEFINITIONS.—As used in this sub-
5 section—

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

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

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

21 “(D) the term ‘violative consumer prod-
22 ucts’ means consumer products in violation of
23 an applicable consumer product safety rule
24 under this Act or any similar rule, regulation,

1 standard, or ban under any other Act enforced
2 by the Commission.”.

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

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

16 **SEC. 4. REPORT TO CONGRESS.**

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

Passed the House of Representatives September 29,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.