

110TH CONGRESS
1ST SESSION

H. R. 3588

To amend the Consumer Product Safety Act to provide the Consumer Product Safety Commission with greater authority to require recalls, mandatory routine product testing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2007

Mr. KING of New York introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Consumer Product Safety Act to provide the Consumer Product Safety Commission with greater authority to require recalls, mandatory routine product testing, 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 “Family Product Safety
5 Protection Act”.

1 **SEC. 2. COMMISSION AUTHORITY RELATING TO RECALLS.**

2 (a) COMMISSION RECALL AUTHORITY.—Section
3 12(a) of the Consumer Product Safety Act (15 U.S.C.
4 2061(a)) is amended—

5 (1) by striking “(a)” and inserting “(a)(1)”;
6 and

7 (2) by adding at the end the following:

8 “(2) Notwithstanding any of the disclosure require-
9 ments in section 6, the Commission may order the recall
10 of any consumer product that the Commission determines
11 to be an imminently hazardous consumer product, and
12 may disclose information relating to the recall and the
13 product to the public.”.

14 (b) REDUCED PERIOD OF NOTICE TO MANUFACTUR-
15 ERS AND PRIVATE LABELERS WITH RESPECT TO DISCLO-
16 SURE OF INFORMATION.—Section 6(b)(1) of such Act (15
17 U.S.C. 2055(b)(1)) is amended by striking “not less than
18 30 day” and inserting “not fewer than 10 days”.

19 (c) ESTABLISHMENT OF MINIMUM FINE FOR FAIL-
20 URE TO COMPLY WITH ORDER.—Section 20(a)(1) of such
21 Act (15 U.S.C. 2069(a)(1)) is amended—

22 (1) in the first sentence, by inserting “, and in
23 the case of a person who violates subsection (a)(5)
24 of such section by selling at retail any product that
25 is the subject of a recall order, such person shall be
26 subject to a civil penalty of not less than \$500 and

1 not more than \$10,000 for each such violation”
2 after “for each such violation”; and

3 (2) in the third sentence, by striking “of section
4 19(a)(3)” and inserting “of paragraph (3) or (5) of
5 section 19(a)”.

6 **SEC. 3. TESTING REQUIREMENT.**

7 Section 14 of the Consumer Product Safety Act (15
8 U.S.C. 2063) is amended—

9 (1) in subsection (a), by striking “or upon a
10 reasonable testing program” and insert “, as re-
11 quired under subsection (b)”;

12 (2) in subsection (b), by striking “The Commis-
13 sion may by rule prescribe reasonable testing pro-
14 grams for” and inserting “The Commission shall by
15 rule prescribe reasonable testing requirements for
16 the routine testing of”.

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR CON-**
18 **SUMER PRODUCT SAFETY COMMISSION.**

19 Section 32(a) of the Consumer Product Safety Act
20 (15 U.S.C. 2081) is amended

21 (1) by striking “, not to exceed”;

22 (2) by striking paragraphs (1) and (2), and in-
23 serting the following:

24 “(1) \$85,000,000 for fiscal year 2008;

1 “(2) for fiscal year 2009 and subsequent fiscal
2 years, an amount that is not less than the amount
3 appropriated for the preceding fiscal year, increased
4 by a percentage equal to the percentage increase for
5 the preceding fiscal year in the total number of
6 goods imported to the United States.”.

○