

110TH CONGRESS  
1ST SESSION

# S. 2256

To establish an Office of International and Domestic Product Safety and a Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of product safety responsibilities, develop a centralized public database for product recalls, advisories, and alerts, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish an Office of International and Domestic Product Safety and a Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of product safety responsibilities, develop a centralized public database for product recalls, advisories, and alerts, 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 “International and Do-  
5       mestic Product Safety Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSIONER.—The term “Commis-  
4 sioner” means the Commissioner responsible for the  
5 U.S. Customs and Border Protection of the Depart-  
6 ment of Homeland Security.

7 (2) CONSUMER PRODUCT.—The term “con-  
8 sumer product” means any of the following:

9 (A) Food, as defined in section 201 of the  
10 Federal Food, Drug, and Cosmetic Act (21  
11 U.S.C. 321), including—

12 (i) poultry and poultry products, as  
13 defined in section 4 of the Poultry Prod-  
14 ucts Inspection Act (21 U.S.C. 453);

15 (ii) meat and meat food products, as  
16 defined in section 1 of the Federal Meat  
17 Inspection Act (21 U.S.C. 601); and

18 (iii) eggs and egg products, as defined  
19 in the Egg Products Inspection Act (21  
20 U.S.C. 1033).

21 (B) A drug, device, cosmetic, dietary sup-  
22 plement, infant formula, and food additive, as  
23 such terms are defined in section 201 of the  
24 Federal Food, Drug, and Cosmetic Act (21  
25 U.S.C. 321).

1 (C) A consumer product, as such term is  
2 defined in section 3(a) of the Consumer Prod-  
3 uct Safety Act (15 U.S.C. 2052).

4 (D) A motor vehicle, motor vehicle equip-  
5 ment, and replacement equipment, as such  
6 terms are defined in the National Traffic and  
7 Motor Vehicle Safety Act (49 U.S.C. 30102).

8 (E) A biological product, as such term is  
9 defined in section 351(i) of the Public Health  
10 Service Act (42 U.S.C. 262(i)).

11 (F) A pesticide, as such term is defined by  
12 the Federal Insecticide, Fungicide, and  
13 Rodenticide Act (7 U.S.C. 136).

14 (G) Any other food, consumer product,  
15 fishery product, beverage, or tobacco product  
16 with respect to which a department or agency  
17 that is represented on the Council has jurisdic-  
18 tion.

19 (3) COUNCIL.—The term “Council” means the  
20 Product Safety Coordinating Council established  
21 under section 4.

22 (4) DIRECTOR.—The term “Director” means  
23 the Director of the Office of International and Do-  
24 mestic Product Safety established under section 3.

1           (5) OFFICE.—The term “Office” means the Of-  
2       fice of International and Domestic Product Safety  
3       established under section 3.

4   **SEC. 3. OFFICE OF INTERNATIONAL AND DOMESTIC PROD-**  
5                   **UCT SAFETY; DIRECTOR.**

6       (a) ESTABLISHMENT OF OFFICE.—There is estab-  
7       lished in the Department of Commerce an Office of Inter-  
8       national and Domestic Product Safety.

9       (b) DIRECTOR.—The Office shall be headed by a Di-  
10      rector of International and Domestic Product Safety who  
11      shall be appointed by the President, by and with the advice  
12      and consent of the Senate, and who shall report to the  
13      Secretary of Commerce.

14      (c) DUTIES.—The Director shall be responsible for  
15      overseeing and coordinating international and domestic  
16      consumer product safety responsibilities in a manner that  
17      protects the health and safety of United States consumers  
18      and ensures that consumers and businesses have access  
19      to vital consumer product safety information. The Direc-  
20      tor shall—

21           (1) establish policies, objectives, and priorities  
22      to improve the management, coordination, pro-  
23      motion, and oversight of all departments and agen-  
24      cies that are responsible for international and do-  
25      mestic consumer product safety;

1           (2) work with consumer groups, industry, and  
2           other interested parties to establish the policies, ob-  
3           jectives, and priorities described in paragraph (1);

4           (3) create a “one-stop” Federal website for con-  
5           sumer product safety information;

6           (4) develop and maintain a centralized user-  
7           friendly public database of all consumer product re-  
8           calls, advisories, alerts, seizures, defect determina-  
9           tions, import bans, and other actions related to  
10          products sold (or offered for sale) in the United  
11          States, including mandatory and voluntary actions  
12          taken by Federal and State departments and agen-  
13          cies, or by businesses;

14          (5) implement a system for disseminating con-  
15          sumer product recall alerts to consumers and busi-  
16          nesses, including retailers, the media, and medical  
17          professionals;

18          (6) promote the development of risk assessment  
19          models to assist Federal departments and agencies  
20          responsible for the importation and safety of con-  
21          sumer products to better identify and prevent the  
22          importation or introduction into commerce of unsafe  
23          products;

1           (7) promote the development of food tracing  
2           technology to provide consumers with access to the  
3           supply chain history of a consumer product;

4           (8) develop guidelines to facilitate information  
5           sharing relating to the importation and safety of  
6           consumer products among Federal departments and  
7           agencies, State and local governments, businesses,  
8           and United States trading partners;

9           (9) develop and maintain a public electronic di-  
10          rectory of services to assist consumers and busi-  
11          nesses in locating consumer product safety informa-  
12          tion;

13          (10) develop a framework for engaging United  
14          States trading partners in efforts to improve con-  
15          sumer product safety, including cooperation and co-  
16          ordination related to safety standards, testing, cer-  
17          tification, audits, and inspections before consumer  
18          products are shipped to the United States;

19          (11) establish an inventory of Memoranda of  
20          Understanding negotiated by Federal departments  
21          and agencies with foreign governments related to the  
22          importation and safety of consumer products, and  
23          promote coordination among Federal departments  
24          and agencies seeking to negotiate new memoranda;  
25          and

1           (12) develop and implement other activities to  
2       ensure that there is a unified effort to protect the  
3       health and safety of United States consumers, in-  
4       cluding—

5           (A) simplifying consumer-retailer inter-  
6       action regarding consumer products identified  
7       as unsafe;

8           (B) improving consumer product labeling;

9           (C) developing comprehensive record-  
10      keeping throughout the production, importation,  
11      and distribution of consumer products; and

12          (D) increasing public access to information  
13      regarding—

14           (i) consumer product safety stand-  
15      ards, testing, and certification;

16           (ii) enforcement of consumer product  
17      safety laws, and

18           (iii) consumer product-related deaths,  
19      injuries, and illness.

20      (d) COMPENSATION.—Section 5314 of title 5, United  
21      States Code, is amended by adding at the end the fol-  
22      lowing new item:

23           “Director of International and Domestic Prod-  
24      uct Safety, Department of Commerce.”.

1       (e) **FUNCTION OF THE OFFICE.**—The function of the  
 2 Office of International and Domestic Product Safety is to  
 3 assist the Director in carrying out the duties of the Direc-  
 4 tor described under this Act.

5       (f) **STAFF.**—The Director may employ and fix the  
 6 compensation of such officers and employees as may be  
 7 necessary to assist the Director in carrying out the duties  
 8 of the Director. The Director may direct, with the concur-  
 9 rence of the Secretary of a department or head of an agen-  
 10 cy, the temporary reassignment within the Federal Gov-  
 11 ernment of personnel employed by such department or  
 12 agency on a reimbursable or nonreimbursable basis.

13 **SEC. 4. PRODUCT SAFETY COORDINATING COUNCIL.**

14       (a) **ESTABLISHMENT.**—There is established a Prod-  
 15 uct Safety Coordinating Council.

16       (b) **COMPOSITION.**—The Council shall consist of the  
 17 following members or their designees:

18               (1) The Director, who shall chair the Council.

19               (2) The Commissioner of U.S. Customs and  
 20 Border Protection.

21               (3) The Under Secretary of Commerce for  
 22 International Trade.

23               (4) A Deputy United States Trade Representa-  
 24 tive, as determined by the United States Trade Rep-  
 25 resentative.



1           (5) The Under Secretary of State for Economic,  
2           Energy and Agricultural Affairs.

3           (6) The Under Secretary of Agriculture for  
4           Food Safety.

5           (7) The Commissioner of the Food and Drug  
6           Administration.

7           (8) The Assistant Administrator for Fisheries  
8           of the National Oceanic and Atmospheric Adminis-  
9           tration.

10          (9) The Chairman of the Consumer Product  
11          Safety Commission.

12          (10) The Administrator of the National High-  
13          way Traffic Safety Administration.

14          (11) The Deputy Administrator of the Environ-  
15          mental Protection Agency.

16          (12) The Administrator of the Alcohol and To-  
17          bacco Tax and Trade Bureau.

18          (13) The Deputy Attorney General.

19          (14) The Director of the Centers for Disease  
20          Control and Prevention.

21          (15) The Chairman of the Federal Trade Com-  
22          mission.

23          (16) Such other officers of the United States as  
24          the Director determines necessary to carry out the  
25          functions of the Council.

1       (c) DEPARTMENT AND AGENCY RESPONSIBIL-  
2 ITIES.—

3           (1) IN GENERAL.—The department or agency  
4 of each member of the Council shall assist the Direc-  
5 tor in—

6           (A) developing and implementing a unified  
7 effort to protect the health and safety of United  
8 States consumers;

9           (B) ensuring that consumers and busi-  
10 nesses have access to vital consumer product  
11 safety information; and

12           (C) carrying out the responsibilities of the  
13 Director under this Act.

14       (2) COOPERATION.—Each member of the Coun-  
15 cil shall ensure that the department or agency the  
16 member represents—

17           (A) provides such assistance, information,  
18 and advice as the Director may request;

19           (B) complies with information sharing poli-  
20 cies, procedures, guidelines, and standards es-  
21 tablished by the Director; and

22           (C) provides adequate resources to support  
23 the activities and operations of the Office.

24       (d) MEETINGS.—The Director shall convene monthly  
25 meetings of the Council.

1 **SEC. 5. STRATEGIC PLAN.**

2 (a) STRATEGIC PLAN REQUIRED.—Not later than  
3 180 days after the date of the enactment of this Act, and  
4 every 2 years thereafter, the Director shall, after con-  
5 sulting with the members of the Council, submit to the  
6 President and to Congress a strategic plan.

7 (b) CONTENTS OF STRATEGIC PLAN.—The strategic  
8 plan submitted under subsection (a) shall contain—

9 (1) a detailed description of the goals, objec-  
10 tives, and priorities of the Office and the Council;

11 (2) a description of the methods for achieving  
12 the goals, objectives, and priorities;

13 (3) a description of the performance measures  
14 that will be used to monitor results in achieving the  
15 goals, objectives, and priorities; and

16 (4) an estimate of the resources necessary to  
17 achieve the goals, objectives, and priorities described  
18 in subparagraph (1), and an estimate of the cost of  
19 the resources.

20 **SEC. 6. REPORT ON INTERNATIONAL AND DOMESTIC PROD-**  
21 **UCT SAFETY.**

22 (a) REPORT REQUIRED.—Not later than November  
23 1 of each calendar year, the Director shall submit to the  
24 President and to Congress, a written report on the safety  
25 of international and domestic consumer products.

1 (b) CONTENT OF REPORT.—The report submitted  
 2 under subsection (a) shall contain a detailed description  
 3 of the implementation of the duties set forth in section  
 4 3(c) of the Act.

5 (c) CONSULTATIONS.—The Director shall consult  
 6 with the members of the Council with respect to the prepa-  
 7 ration of the report required under subsection (a). Any  
 8 comments provided by the members of the Council shall  
 9 be submitted to the Director not later than October 15  
 10 of each calendar year. The Director shall submit the re-  
 11 port to Congress after taking into account all comments  
 12 received.

13 **SEC. 7. PRIORITY IN INTERNATIONAL TRADE TALKS.**

14 The President, the Director, and members of the  
 15 Council shall seek to engage trading partners of the  
 16 United States in bilateral and multilateral fora regarding  
 17 improvements in consumer product safety, including co-  
 18 operation and coordination with respect to—

19 (1) authorization of preexport audits and in-  
 20 spections;

21 (2) establishment of safety standards, testing,  
 22 and certifications; and

23 (3) public dissemination of information con-  
 24 cerning consumer product recalls, advisories, alerts,

1        seizures, defect determinations, import bans, and  
2        other related actions.

3    **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4        There are authorized to be appropriated to the Sec-  
5    retary of Commerce such sums as may be necessary to  
6    carry out the provisions of this Act and the activities of  
7    the Office.

8    **SEC. 9. AUTHORIZATION OF INTERAGENCY SUPPORT FOR**  
9                    **PRODUCT SAFETY COORDINATION.**

10       The use of interagency funding and other forms of  
11    support is authorized by Congress to carry out the func-  
12    tions and activities of the Office and the functions and  
13    activities of the Council.

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