

Whereas less than half of the low-income students who participate in the National School Lunch Program also participate in the National School Breakfast Program;

Whereas almost 17,000 schools that participate in the National School Lunch Program do not participate in the National School Breakfast Program;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast; and

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthy breakfast on a daily basis: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the National School Breakfast Program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the Program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served; and

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4108. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

SA 4109. Mr. CASEY (for himself, Mr. BROWN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4110. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4111. Mr. KOHL (for himself, Mr. GRAHAM, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4112. Mrs. BOXER (for herself, Mr. COLEMAN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4113. Mr. REID (for Mr. OBAMA (for himself and Mr. CARDIN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4114. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4115. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4116. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4117. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4118. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4119. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4120. Ms. LANDRIEU (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4121. Mr. BUNNING (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4122. Mr. DORGAN proposed an amendment to the bill S. 2663, supra.

SA 4123. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4124. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4125. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4126. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. CARDIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4127. Mrs. BOXER (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4128. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4129. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4130. Mr. NELSON of Florida (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4131. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4132. Mr. BROWN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4133. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4108. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 63, strike line 6 and all that follows through page 64, line 6, and insert the following:

in an amount not to exceed \$15,000 for costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding \$15,000, to be paid by the complainant.

“(4)(A) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B).

“(B) In an action brought under subparagraph (A), the court may grant injunctive relief and compensatory damages to the complainant. The court may also grant any other monetary relief to the complainant available at law or equity, not exceeding a total amount of \$50,000, including consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages.

“(C) If the court finds that an action brought under subparagraph (A) is frivolous or has been brought in bad faith, the court may award to the prevailing employer a reasonable attorneys' fee, not exceeding \$15,000, to be paid by the complainant.

SA 4109. Mr. CASEY (for himself, Mr. BROWN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 103, after line 12, add the following:

SEC. 40. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) **STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.**—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

(b) **CONSUMER PRODUCT SAFETY STANDARD.**—Not later than 3 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe a consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) with respect to textile and apparel articles, and components of such articles, in which formaldehyde was used in the manufacture thereof.

(c) **RULE TO ESTABLISH TESTING PROGRAM.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the Consumer Product Safety Commission

shall prescribe under section 14(b) of such Act (15 U.S.C. 2063(b)) a reasonable testing program for textile and apparel articles, and components of such articles, in which formaldehyde was used in the manufacture thereof.

(2) **INDEPENDENT THIRD PARTY.**—In prescribing the testing program under paragraph (1), the Consumer Product Safety Commission shall require, as a condition of receiving certification under subsection (a) of section 14 of such Act (15 U.S.C. 2063), that such articles or components are tested by an independent third party qualified to perform such testing program in accordance with the rules promulgated under subsection (d) of such section, as added by section 10(c) of this Act.

(d) **PREEMPTION.**—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) protects consumers from risks of illness or injury caused by the use of hazardous substances in the manufacture of textile and apparel articles, or components of such articles; and

(2) provides a greater degree of such protection than that provided under this section.

(e) **SENSE OF THE CONGRESS.**—Congress finds that:

(1) Formaldehyde has been a known health risk since the 1960s;

(2) As international trade in textiles has grown a number of countries have recently recalled a number of textile products for excessive levels of formaldehyde; and

(3) The Federal Emergency Management Agency and the Centers for Disease Control released formaldehyde testing results from trailers in Louisiana and Mississippi on February 14, 2008:

(A) Results of these tests showed levels of toxic formaldehyde that were on average five times as high as normal;

(B) Formaldehyde in textiles is a known contributor to increased indoor air concentrations of formaldehyde; and

(C) The Centers for Disease Control has recommended residents of the 2005 hurricanes living in Federal Emergency Management Agency trailers immediately move out due to health concerns.

SA 4110. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON CIVIL PENALTIES.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study to assess the amount of civil penalties imposed and authorized to be imposed pursuant to the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Federal regulatory laws.

(b) **FEDERAL REGULATORY LAWS DEFINED.**—In this section, the term “Federal regulatory laws” means Federal laws designed to protect the safety of the public, including the Consumer Product Safety Act (15 U.S.C. 2051

et seq.), chapter 301 of title 49, United States Code (relating to motor vehicle safety), the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and laws relating to environmental protection.

(c) **CONTENTS.**—The study required under subsection (a) shall—

(1) compare and assess—

(A) the maximum amount of civil penalties that may be imposed pursuant to the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Federal regulatory laws;

(B) the actual amount of penalties imposed by Federal agencies pursuant to the Consumer Product Safety Act and other Federal regulatory laws; and

(C) the costs to manufacturers and other persons of complying with the Consumer Product Safety Act, other Federal regulatory laws, and regulations promulgated pursuant to such Act and laws, including costs associated with recalls of products; and

(2) include recommendations regarding the amount of civil penalties appropriate to further the purposes of the Consumer Product Safety Act and other Federal regulatory laws, considering—

(A) the deterrent effect of civil penalties; and

(B) the actual and potential burdens of civil penalties on large and small businesses.

(d) **SUBMISSION TO CONGRESS.**—The Comptroller General of the United States shall submit the study required under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 1 year after the date of the enactment of this Act.

SA 4111. Mr. KOHL (for himself, Mr. GRAHAM, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 40. SUNSHINE IN LITIGATION.

(a) **SHORT TITLE.**—This section may be cited as the “Sunshine in Litigation Act of 2008”.

(b) **RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.**—

(1) **IN GENERAL.**—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

“§ 1660. Restrictions on protective orders and sealing of cases and settlements

“(a)(1) A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court has made findings of fact that—

“(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

“(B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

“(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

“(2) No order entered in accordance with paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) have been met.

“(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

“(4) This section shall apply even if an order under paragraph (1) is requested—

“(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

“(B) by application pursuant to the stipulation of the parties.

“(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

“(B) No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

“(b)(1) A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

“(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

“(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement described under subsection (a)(1) between or among parties that prohibits 1 or more parties from—

“(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

“(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

“(2) Paragraph (1) does not apply if the court has made findings of fact that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.

“(d) When weighing the interest in maintaining confidentiality under this section, there shall be a rebuttable presumption that the interest in protecting personally identifiable information relating to financial, health or other similar information of an individual outweighs the public interest in disclosure.

“(e) Nothing in this section shall be construed to permit, require, or authorize the disclosure of classified information (as defined under section 1 of the Classified Information Procedures Act (18 U.S.C. App.)).”

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

“1660. Restrictions on protective orders and sealing of cases and settlements.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

SA 4112. Mrs. BOXER (for herself, Mr. COLEMAN, and Mr. MARTINEZ) submitted an amendment intended to be

proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 2, insert "that provides a direct means of purchase" before "posted by a manufacturer".

SA 4113. Mr. REID (for Mr. OBAMA (for himself and Mr. CARDIN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

SEC. 40. REQUIREMENTS FOR RECALL NOTICES.

(a) IN GENERAL.—Section 15 (15 U.S.C. 2064) is amended by adding at the end the following:

"(i) REQUIREMENTS FOR RECALL NOTICES.—

"(1) IN GENERAL.—If the Commission determines that a product distributed in commerce presents a substantial product hazard and that action under subsection (d) is in the public interest, the Commission may order the manufacturer or any distributor or retailer of the product to distribute notice of the action to the public. The notice shall include the following:

"(A) A description of the product, including—

"(i) the model number or stock keeping unit (SKU) number of the product;

"(ii) the names by which the product is commonly known; and

"(iii) a photograph of the product.

"(B) A description of the action being taken with respect to the product.

"(C) The number of units of the product with respect to which the action is being taken.

"(D) A description of the substantial product hazard and the reasons for the action.

"(E) An identification of the manufacturers, importers, distributors, and retailers of the product.

"(F) The locations where, and Internet websites from which, the product was sold.

"(G) The name and location of the factory at which the product was produced.

"(H) The dates between which the product was manufactured and sold.

"(I) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

"(J) A description of—

"(i) any remedy available to a consumer;

"(ii) any action a consumer must take to obtain a remedy; and

"(iii) any information a consumer needs to take to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

"(K) Any other information the Commission determines necessary.

"(2) NOTICES IN LANGUAGES OTHER THAN ENGLISH.—The Commission may require a no-

tice described in paragraph (1) to be distributed in a language other than English if the Commission determines that doing so is necessary to adequately protect the public."

(b) PUBLICATION OF INFORMATION ON RECALLED PRODUCTS.—Beginning not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall make the following information available to the public as the information becomes available to the Commission:

(1) Progress reports and incident updates with respect to action plans implemented under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

(2) Statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c) of the Consumer Product Safety Act (15 U.S.C. 2064(c)).

(3) The number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

SA 4114. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) develop a plan to improve the effectiveness of the Consumer Product Safety Commission in preventing unsafe consumer products from entering such customs territory; and

(3) submit to Congress a report on the findings of the Comptroller General with respect to paragraphs (1) through (3), including legislative recommendations related to—

(A) inspection of foreign manufacturing plants by the Consumer Product Safety Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Consumer Product Safety Commission.

SA 4115. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 61, lines 11 and 23, insert the word "substantial" before "contributing factor".

At page 61, line 17, and at page 62, line 2, strike "clear and convincing evidence" and insert "a preponderance of the evidence".

SA 4116. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 58, insert between lines 7 and 8 the following:

"(h) If private counsel is retained to assist in any civil action under subsection (a), the State may not demand or receive discovery of information that is protected by the attorney-client privilege, unless a private party would be able to obtain discovery of the same information in a comparable private civil action."

SA 4117. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 64, line 6, and at page 65, line 17, insert after the period the following:

"If the court finds that no genuine issue of fact or law exists with regard to a claim asserted pursuant to this paragraph that would allow a reasonable juror to find in favor of the party presenting the claim, the court shall award to the prevailing party 30 percent of the reasonable attorney's fees that were incurred by the prevailing party in connection with that claim."

SA 4118. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 58, line 7, insert before the quotation mark the following:

"If private counsel is retained in any civil action under subsection (a), the court shall review the fees proposed to be paid to the private counsel and shall limit those fees to an amount that is reasonable in light of the hours of work actually performed by the private counsel and the risk of nonpayment of fees assumed by that counsel when he agreed to represent the party. The court may, as appropriate, retain the services of an independent accounting firm to assist the court in conducting a review under this subsection."

SA 4119. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission

to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 9 and 10, insert the following:

(C) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If new recall notification technology becomes available and the Consumer Product Safety Commission determines that such new recall notification technology is at least as effective as the use of consumer registration forms, then the Commission shall inform the public of its findings, report to Congress, and shall allow manufacturers that utilize such new recall technology as an alternative means of fulfilling the requirements of subsection (c). The Commission shall make a determination as to the effectiveness of such new recall notification technology after a minimum of 6 months, but no more than 1 year of testing or empirical study or a combination thereof and shall issue its determination no later than 1 year after conclusion of such testing or empirical study.

(2) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

SA 4120. Ms. LANDRIEU (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 9 and 10, insert the following:

(C) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If the Commission determines that a recall notification technology can be used by a manufacturer of durable infant or toddler products and such technology is as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (a)—

(A) the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such determination; and

(B) a manufacturer of durable infant or toddler products that uses such technology in lieu of such registration forms to facilitate recalls of durable infant or toddler products shall be considered in compliance with the regulations promulgated under such subsection with respect to subparagraphs (A) and (B) of paragraph (1) of such subsection.

(2) STUDY AND REPORT.—Not later than 1 year after the date of the enactment of this Act and periodically thereafter as the Commission considers appropriate, the Commission shall—

(A) for a period of not less than 6 months and not more than 1 year—

(i) conduct a review of recall notification technology; and

(ii) assess, through testing and empirical study, the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) submit to the committees described in paragraph (1)(A) a report on the review and assessment required by subparagraph (A).

(3) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

SA 4121. Mr. BUNNING (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —EXCHANGE RATES

SEC. 1. SHORT TITLE.

This title may be cited as the "China Currency Manipulation Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The People's Republic of China has a material global current account surplus.

(2) The People's Republic of China has, since 2000, accumulated a current account surplus with the United States of approximately \$1,200,000,000,000, twice the size of the current account surplus of any other United States trade partner.

(3) The People's Republic of China has engaged in protracted large-scale intervention in currency markets, thereby subsidizing Chinese-made products and erecting a formidable nontariff barrier to trade to United States exports to the People's Republic of China, in contravention of the spirit and intent of the General Agreement on Tariffs and Trade and the Articles of Agreement of the International Monetary Fund.

SEC. 3. ACTION TO ACHIEVE FAIR CURRENCY.

(a) DETERMINATION.—Notwithstanding any other provision of law, the Secretary of the Treasury shall make an affirmative determination that the People's Republic of China is manipulating its currency within the meaning of section 3004(b) of the Exchange Rates and International Economic Policies Coordination Act of 1988 (22 U.S.C. 5304(b)) and take the action described in subsections (b), (c), and (d).

(b) ACTION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this Act, establish a plan of action to remedy currency manipulation by the People's Republic of China, and submit a report regarding that plan, to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(2) BENCHMARKS.—The report described in paragraph (1) shall include specific benchmarks and timeframes for correcting the currency manipulation.

(c) INITIAL NEGOTIATIONS.—The Secretary shall initiate, on an expedited basis, bilateral negotiations with the People's Republic of China for the purpose of ensuring that the country regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payment adjustments and to eliminate the unfair competitive advantage.

(d) COORDINATION WITH THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this Act, in-

struct the Executive Director to the International Monetary Fund to use the voice and vote of the United States, including requesting consultations under Article IV of the Articles of Agreement of the International Monetary Fund, for the purpose of ensuring the People's Republic of China regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payments adjustments and to eliminate the unfair competitive advantage in trade.

SA 4122. Mr. DORGAN proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 25, beginning with line 21, strike through line 13 on page 29 and insert the following:

“(3) THIRD PARTY LABORATORY.—

“(A) IN GENERAL.—The term ‘third party laboratory’ means a testing entity that—

“(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

“(ii) is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

“(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

“(C) PROVISIONAL CERTIFICATION.—

“(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (A) of this paragraph upon a showing that the laboratory—

“(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

“(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

“(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

“(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

“(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

“(D) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.”.

SA 4123. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 17 and 18, insert the following:

“(8) Notwithstanding paragraphs (1) through (7), a Federal employee shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of this section.

SA 4124. Mr. DEMINT proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

Beginning on page 85, strike line 22 and all that follows through page 86, line 8.

SA 4125. Mr. CORBIN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PUBLICLY AVAILABLE DATABASE OF TRIAL LAWYERS WINDFALL PROFITS.

Section 6 (15 U.S.C. 2055) is amended by adding at the end the following new subsections:

“(f) PUBLICLY AVAILABLE DATABASE OF TRIAL LAWYERS WINDFALL PROFITS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the CPSC Reform Act, the Commission shall establish and maintain a publicly available searchable database accessible on the Commission's web site that includes information about all civil actions filed after the date of the enactment of this Act with respect to consumer products. The database shall include, with respect to each such civil action—

“(A) the identity of each law firm or attorney representing the parties to such action;

“(B) information on lawyer's fees, rates, and the retainer received by the Commission from—

“(i) lawyers, union members, teamsters, and lobbyists; and

“(ii) Federal, State, and local government agencies; and

“(C) the amount of any damages, fees, or other compensation awarded, including a

breakdown of the disbursement of such damages, fees, or other compensation to the parties to the action and each law firm or attorney representing such parties.

“(2) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database by date, civil action, representing law firm or attorney, and any other category the Commission determines to be in the public interest.

“(3) TIMING.—The Commission shall include in the database the information referred to in paragraph (1) not later than 15 days after such information becomes available to the Commission.

“(4) APPLICATION WITH CONSUMER PRODUCT SAFETY DATABASE.—If a civil action reported in the database pertains to information reported in the database maintained under subsection (b)(9), the results of the action shall be included together with such report on such database.

“(g) FUNDING FOR DATABASES.—The databases established and maintained under subsections (b) and (f) shall be funded solely through amounts deposited into the CPSC Database Maintenance Fund established under section ____ of the CPSC Reform Act.”.

SEC. ____ CPSC DATABASE MAINTENANCE FUND.

(a) ESTABLISHMENT AND ADMINISTRATION.—The Secretary of the Treasury shall establish a special account in the Treasury of the United States to be known as the CPSC Database Maintenance Fund (in this section referred to as the “Fund”). The Fund shall be administered by the Consumer Product Safety Commission.

(b) USE OF FUND.—The Commission shall use the assets of the Fund only for the purpose of establishing and maintaining the consumer product safety database and the civil action fees and awards database under subsections (b) and (f), respectively, of section 6 of the Consumer Product Safety Act (15 U.S.C. 2055), as added by section 7(14) and section ____, respectively, of this Act.

(c) DEPOSITS.—There shall be deposited into the Fund 1 percent of all costs and fees awarded to attorneys generals with respect to civil actions under section 26A(g) of the Consumer Product Safety Act, as added by section 20(a) of this Act.

(d) AVAILABILITY.—Amounts deposited under subsection (c) shall constitute the assets of the Fund and remain available until expended.

SA 4126. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. CARDIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. PERCHLORATE MONITORING AND RIGHT-TO-KNOW.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) perchlorate—

(i) is a chemical used as the primary ingredient of solid rocket propellant; and

(ii) is also used in fireworks, road flares, and other applications;

(B) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(C) according to the Government Accountability Office, perchlorate contamination

has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(D) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(E) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(F) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(G) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(H)(i) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(ii) in adults, the thyroid helps to regulate metabolism;

(iii) in children, the thyroid helps to ensure proper mental and physical development; and

(iv) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(I)(i) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(I) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(II) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(ii) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in clause (i);

(J) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a “Drinking Water Equivalent Level” of 24.5 parts per billion for perchlorate, which—

(i) does not take into consideration all routes of exposure to perchlorate;

(ii) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(iii) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found;

(K) on August 22, 2005 (70 Fed. Reg. 49094), the Administrator proposed to extend the requirement that perchlorate be monitored in drinking water under the final rule entitled “Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions” promulgated pursuant to section

1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-4(a)(2)); and

(L) on December 20, 2006, the Administrator signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the final rule entitled "Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions" (72 Fed. Reg. 368 (January 4, 2007)).

(2) **PURPOSE.**—The purpose of this section is to require the Administrator of the Environmental Protection Agency—

(A) to establish, not later than 90 days after the date of enactment of this Act, a health advisory that—

(i) is fully protective of, and considers, the body weight and exposure patterns of pregnant women, fetuses, newborns, and children;

(ii) provides an adequate margin of safety; and

(iii) takes into account all routes of exposure to perchlorate;

(B) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and

(C) to ensure the right of the public to know about perchlorate in drinking water by requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.

(b) **MONITORING AND HEALTH ADVISORY FOR PERCHLORATE.**—Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(12)) is amended by adding at the end the following:

“(C) **PERCHLORATE.**—

“(i) **HEALTH ADVISORY.**—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate that fully protects, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, newborns, and children), considering body weight and exposure patterns and all routes of exposure.

“(ii) **MONITORING REGULATIONS.**—

“(I) **IN GENERAL.**—The Administrator shall propose (not later than 60 days after the date of enactment of this subparagraph) and promulgate (not later than 120 days after the date of enactment of this subparagraph) a final regulation requiring—

“(aa) each public water system serving more than 10,000 individuals to monitor for perchlorate beginning not later than October 31, 2008; and

“(bb) the collection of a representative sample of public water systems serving 10,000 individuals or fewer to monitor for perchlorate in accordance with section 1445(a)(2).

“(II) **DURATION.**—The regulation shall be in effect unless and until monitoring for perchlorate is required under a national primary drinking water regulation for perchlorate.

“(iii) **CONSUMER CONFIDENCE REPORTS.**—Each consumer confidence report issued under section 1414(c)(4) shall disclose the presence of any perchlorate in drinking water, and the potential health risks of exposure to perchlorate in drinking water, consistent with guidance issued by the Administrator.”.

SA 4127. Mrs. BOXER (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer

product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON MICROWAVE POPCORN THAT CONTAINS INTENTIONALLY-ADDED DIACETYL.

Notwithstanding any other provision of law, effective January 1, 2009, microwave popcorn that contains intentionally-added diacetyl shall be treated as banned under such Act (15 U.S.C. 1261 et seq.) as if such microwave popcorn were described by section 2(q)(1) of such Act (15 U.S.C. 1261(q)(1)), and the prohibitions contained in section 4 of such Act (15 U.S.C. 1263) shall apply to such microwave popcorn.

SA 4128. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 4 through 16, and insert the following:

(1) **INACCESSIBLE COMPONENTS.**—

(A) **IN GENERAL.**—Subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

(B) **INACCESSIBILITY PROCEEDING.**—Within 2 years after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) **APPLICATION PENDING CPSC GUIDANCE.**—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements of subparagraph (A) for considering a component to be inaccessible to a child.

(D) **CERTAIN BARRIERS DISQUALIFIED.**—For purposes of this paragraph, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

SA 4129. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section 17(15 U.S.C. 2066) is amended by adding at the end thereof the following:

“(i) The Commission may—

“(A) designate as a repeat offender, after notice and opportunity for a hearing, any country found by the Commission to have contributed on multiple occasions in the pre-

ceding twelve months to the importation of a consumer product in violation of subsection (a) (disregarding de minimus violations thereof) by the intentional, knowing, or reckless failure of its national or local government officials to enforce its own health or safety laws, regulations, or mandatory standards; and

“(B) refer any such country to United States Customs and Border Protection with a recommendation that all or any subset specified by the Commission of that country's consumer product imports be temporarily denied entry for a period of up to six months to allow U.S. inspections and corrective action by the designated country to be undertaken.

“(2) The United States Customs and Border Protection shall for the specified period deny entry to the specified consumer product imports of any country referred to it under paragraph (1)(B).

“(3) The Commission may renew any referral under paragraph (1)(B), and any renewal of any referral made under this paragraph, if it determines, after notice and opportunity for hearing, that the designated country has yet to take appropriate corrective action to enforce its own health or safety laws, regulations, or mandatory standards.

“(4) To ensure compliance with international trade obligations, the Commission shall not make a referral under paragraph (1)(B) or a renewal of a referral under paragraph (3) with respect to a country whose products the United States has agreed to extend national treatment if it finds that the United States, by the intentional, knowing, or reckless failure of its national or local government officials to enforce its own health or safety laws, regulations, or mandatory standards, has on multiple occasions in the preceding twelve months contributed to the sale, offer for sale, manufacture for sale or distribution in commerce of a consumer product that, had it been imported, would have been refused admission under subsection (a) (disregarding de minimus violations thereof).”

SA 4130. Mr. NELSON of Florida (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, strike line 15 and insert the following:

SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS AND STANDARDS FOR DURABLE INFANT OR TODDLER PRODUCTS.

(a) **SHORT TITLE.**—This section may be cited as the “Danny Keysar Child Product Safety Notification Act”.

(b) **SAFETY STANDARDS.**—

(1) **IN GENERAL.**—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines

that more stringent standards would further reduce the risk of injury associated with such products.

(2) **TIMETABLE FOR RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

SA 4131. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 2 through 12 and insert the following:

(a) **ESTABLISHMENT OF UNITS-OF-MASS-PER-AREA STANDARD.**—The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

(b) **REPORT ON COORDINATION WITH ENVIRONMENTAL PROTECTION AGENCY ON SAFETY STANDARDS AND ENFORCEMENT.**—The Consumer Product Safety Commission, in cooperation with the Environmental Protection Agency, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report—

(1) comparing the safety standards employed by the Commission with respect to lead in children's products and the environmental standards employed by the Environmental Protection Agency with respect to lead under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(2) making recommendations for—

(A) modifying such standards to make them more consistent and to facilitate inter-agency coordination; and

(B) coordinating enforcement actions of the Commission and the Environmental Protection Agency with respect to children's products containing lead, including toy jewelry items.

SA 4132. Mr. BROWN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer

product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. TEMPORARY REFUSAL OF ADMISSION INTO CUSTOMS TERRITORY OF THE UNITED STATES OF CONSUMER PRODUCTS MANUFACTURED BY COMPANIES THAT HAVE VIOLATED CONSUMER PRODUCT SAFETY RULES.

(a) **IN GENERAL.**—Section 17 (15 U.S.C. 2066), as amended by section 38(e) of this Act, is amended by adding at the end the following:

“(j) TEMPORARY REFUSAL OF ADMISSION.—

“(1) **IN GENERAL.**—A consumer product offered for importation into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States) may be refused admission into such customs territory until the Commission makes a determination of admissibility under paragraph (2)(A) with respect to such product if—

“(A) such product is manufactured by a manufacturer that has, in the previous 18 months—

“(i) violated a consumer product safety rule; or

“(ii) manufactured a product that has been the subject of an order under section 15(d); or

“(B) is offered for importation into such customs territory by a manufacturer, distributor, shipper, or retailer that has, in the previous 18 months—

“(i) offered for importation into such customs territory a product that was refused under subsection (a) with respect to any of paragraphs (1) through (4); or

“(ii) imported into such customs territory a product that has been the subject of an order under section 15(d).

“(2) **DETERMINATION OF ADMISSIBILITY.**—

“(A) **IN GENERAL.**—The Commission makes a determination of admissibility under this subparagraph with respect to a consumer product that has been refused under paragraph (1) if the Commission finds that the consumer product is in compliance with all applicable consumer product safety rules.

“(B) **REQUEST FOR DETERMINATION OF ADMISSIBILITY.**—

“(i) **IN GENERAL.**—An interested party may submit a request to the Commission for a determination of admissibility under subparagraph (A) with respect to a consumer product that has been refused under paragraph (1).

“(ii) **SUPPORTING EVIDENCE.**—A request submitted under clause (i) shall be accompanied by evidence that the consumer product is in compliance with all applicable consumer product safety rules.

“(iii) **ACTIONS.**—Not later than 90 days after submission of a request under clause (i) with respect to a consumer product, the Commission shall take action on such request. Such action may include—

“(I) making a determination of admissibility under subparagraph (A) with respect to such consumer product; or

“(II) requesting information from the manufacturer, distributor, shipper, or retailer of such consumer product.

“(iv) **FAILURE TO ACT.**—If the Commission does not take action on a request under clause (iii) with respect to a consumer product on or before the date that is 90 days after the date of the submission of such request under clause (i), a determination of admissibility under subparagraph (A) with respect to such consumer product shall be deemed to have been made by the Commission on the 91st day after the date of such submission.

“(3) **COMPLIANCE WITH TRADE AGREEMENTS.**—The Commission shall ensure that a refusal to admit into the customs territory

of the United States a consumer product under this subsection is done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States.”.

(b) **RULEMAKING.**—

(1) **NOTICE.**—Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall issue a notice of proposed rulemaking with respect to the regulations required by paragraph (2).

(2) **REGULATIONS.**—Not later than 120 days after the date of the publication of notice under paragraph (1), the Consumer Product Safety Commission shall prescribe regulations to carry out the provisions of the amendment made by subsection (a).

(c) **CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.**—The Consumer Product Safety Commission shall consult with the Secretary of Homeland Security in carrying out the provisions of this section and the amendment made by subsection (a).

SA 4133. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances (including how to mitigate undue adverse economic impacts on small businesses, consistent with principles and processes required under chapter 6 of title 5, United States Code).

NOTICE OF HEARING

SUBCOMMITTEE ON ENERGY

Mr. DORGAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 26, 2008, at 10:30 a.m., in the Missouri Room at Bismarck State College located at 1500 Edwards Avenue, Bismarck, ND 58501.

The purpose of the hearing is to receive testimony on the challenges associated with rapid deployment of large-scale carbon capture and storage technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or