

110TH CONGRESS  
1ST SESSION

# S. 1847

To reauthorize the Consumer Product Safety Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2007

Mr. DURBIN (for himself and Mr. NELSON of Florida) 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 reauthorize the Consumer Product Safety Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Product  
5 Safety Modernization Act of 2007”.

6 **SEC. 2. REAUTHORIZATION OF CONSUMER PRODUCT SAFE-**  
7 **TY ACT.**

8 (a) IN GENERAL.—Section 32(a) of the Consumer  
9 Product Safety Act (15 U.S.C. 2081) is amended by strik-  
10 ing paragraphs (1) and (2), and inserting the following:

1 “(1) \$70,000,000 for fiscal year 2008.

2 “(2) \$77,500,000 for fiscal year 2009.

3 “(3) \$85,000,000 for fiscal year 2010.

4 “(4) \$92,500,000 for fiscal year 2011.

5 “(5) \$100,000,000 for fiscal year 2012.”.

6 (b) REPEAL OF QUORUM REQUIREMENT FOR TRANS-  
7 ACTION OF BUSINESS.—Section 4(d) of such Act (15  
8 U.S.C. 2053(d)) is amended by striking “, but three” and  
9 all that follows through “to decline to two”.

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

15 (d) EXPEDITION OF RELEASE OF INFORMATION IN  
16 CASE OF NONCOOPERATION BY MANUFACTURER OR PRI-  
17 VATE LABELER.—Section 6(b) of such Act (15 U.S.C.  
18 2055(b)) is amended by adding at the end the following:

19 “(9)(A) Notwithstanding any other provision of this  
20 subsection and paragraphs (5) and (6) of subsection (a),  
21 if the Commission makes an affirmative determination  
22 under subparagraph (B) with respect to information ob-  
23 tained under this Act pertaining to a consumer product  
24 of a manufacturer or private labeler, the Commission may  
25 immediately disclose such information to the public.

1 “(B) An affirmative determination under this sub-  
2 paragraph with respect to information obtained under this  
3 Act pertaining to a consumer product of a manufacturer  
4 or private labeler is a determination by the Commission  
5 that—

6 “(i) disclosure of such information is necessary  
7 to prevent an unreasonable risk to health and safety;  
8 and

9 “(ii) such manufacturer or private labeler is not  
10 cooperating with the Commission.

11 “(C) For purposes of subparagraph (B)(ii), a manu-  
12 facturer or private labeler shall be considered uncoopera-  
13 tive with the Commission if the Commission determines  
14 that such manufacturer or private labeler has failed to fur-  
15 nish information required by section 15(b) or to comply  
16 with an order under section 15(c) of such section within  
17 a reasonable amount of time.”.

18 (e) ESTABLISHMENT OF MINIMUM FINE FOR FAIL-  
19 URE TO COMPLY WITH RECALL ORDER.—

20 (1) IN GENERAL.—Paragraph (1) of section  
21 20(a) of such Act (15 U.S.C. 2069(a)(1)) is amend-  
22 ed—

23 (A) in the first sentence, by inserting “and  
24 in the case of a person who violates subsection  
25 (a)(5) of such section, such person shall be sub-

1           ject to a civil penalty of not less than \$500 for  
2           each such violation and not more than \$5,000  
3           for each such violation” after “for each such  
4           violation”; and

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

8           (2) ADJUSTMENT FOR INFLATION.—Paragraph  
9           (3) of such section 20(a) is amended by striking  
10          “maximum” each place it appears and inserting  
11          “minimum and maximum”.

12          (f) INCREASE IN MAXIMUM CIVIL PENALTIES.—Sec-  
13          tion 20(a)(1) of such Act (15 U.S.C. 2069(a)(1)) is  
14          amended by striking “\$1,250,000” each place it appears  
15          and inserting “\$20,000,000”.

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