

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 814
OFFERED BY MR. RUSH**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Children’s Gasoline
3 Burn Prevention Act”.

**4 SEC. 2. CHILD-RESISTANT PORTABLE GASOLINE CON-
5 TAINERS.**

6 (a) CONSUMER PRODUCT SAFETY RULE.—The pro-
7 vision of subsection (b) shall be considered to be a con-
8 sumer product safety rule issued by the Consumer Product
9 Safety Commission under section 9 of the Consumer Prod-
10 uct Safety Act (15 U.S.C. 2058).

11 (b) REQUIREMENTS.—Effective 6 months after the
12 date of enactment of this Act, each portable gasoline con-
13 tainer manufactured on or after that date for sale in the
14 United States shall conform to the child-resistance re-
15 quirements for closures on portable gasoline containers
16 specified in the standard ASTM F2517-05, issued by
17 ASTM International.

1 (c) DEFINITION.—As used in this Act, the term
2 “portable gasoline container” means any portable gasoline
3 container intended for use by consumers.

4 (d) REVISION OF RULE.—If, after the enactment of
5 this Act, ASTM International proposes to revise the child
6 resistance requirements of ASTM F2517-05, ASTM
7 International shall notify the Consumer Product Safety
8 Commission of the proposed revision and the proposed re-
9 vision shall be incorporated in the consumer product safe-
10 ty rule under subsection (a) unless, within 60 days of such
11 notice, the Commission notifies ASTM International that
12 the Commission has determined that such revision does
13 not carry out the purposes of subsection (b).

14 (e) IMPLEMENTING REGULATIONS.—Section 553 of
15 title 5, United States Code, shall apply with respect to
16 the issuance of any regulations by the Consumer Product
17 Safety Commission to implement the requirements of this
18 section, and sections 7 and 9 of the Consumer Product
19 Safety Act shall not apply to such issuance.

20 (f) REPORT.—Not later than 2 years after the date
21 of enactment of this Act, the Consumer Product Safety
22 Commission shall transmit to the Committee on Energy
23 and Commerce of the House of Representatives and the
24 Committee on Commerce, Science, and Transportation of
25 the Senate a report on—

- 1 (1) the degree of industry compliance with the
- 2 standard promulgated under subsection (a);
- 3 (2) any enforcement actions brought by the
- 4 Commission to enforce such standard; and
- 5 (3) incidents involving children interacting with
- 6 portable gasoline containers (including both those
- 7 that are and are not in compliance with the stand-
- 8 ard promulgated under subsection (a)).