

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4040
OFFERED BY MR. BURGESS OF TEXAS**

Insert after section 210 the following new section
(and conform the table of contents accordingly):

1 **SEC. 211. ENHANCED AUTHORITY TO REFUSE CONTAMI-**
2 **NATED IMPORTED CONSUMER PRODUCTS.**

3 (a) Section 17 of the of the Consumer Product Safety
4 Act (15 U.S.C. 2066) is amended by redesignating sub-
5 sections (b) through (h) as subsection (c) through (i), re-
6 spectively, and inserting after subsection (a) the following:

7 “(b) TEMPORARY REFUSAL OF ADMISSION.—

8 “(1) AUTHORITY.—The Commission may refuse
9 admission to the United States of any consumer
10 product from a country, manufacturer, distributor,
11 shipper, or retailer of such consumer product if the
12 Commission makes a determination under paragraph
13 (2) or an emergency determination under paragraph
14 (3) to refuse admission of the consumer product
15 from such country, manufacturer, distributor, ship-
16 per, or retailer.

17 “(2) DETERMINATION.—

1 “(A) IN GENERAL.—The Commission may
2 make a determination to refuse admission of a
3 consumer product from a country, manufac-
4 turer, distributor, shipper, or retailer if such
5 consumer product—

6 “(i) has been associated with repeated
7 and separate incidents which caused sub-
8 stantial product hazards within the mean-
9 ing of section 15 of this Act;

10 “(ii) presents a reasonable probability
11 of causing significant injury or illness, or
12 death; and

13 “(iii) is likely, without systemic inter-
14 vention or changes to continue to cause
15 substantial product hazards.

16 “(B) RESCISSION.—The Commission shall
17 rescind a determination under this paragraph if
18 the Commission finds that such determination,
19 because of remedial action or other cir-
20 cumstances, is no longer justified. A country,
21 manufacturer, distributor, shipper, or retailer
22 may submit a request to the Commission to re-
23 scind a determination under this paragraph.
24 Any such request shall be accompanied by sup-
25 porting evidence. Not later than 90 days after

1 submission of a request under subparagraph
2 (C), the Commission shall take action on such
3 request. The Commission's action may in-
4 clude—

5 “(i) rescinding the determination in
6 accordance with paragraph (2); or

7 “(ii) continuing to refuse admission to
8 the consumer product involved and re-
9 questing additional information or remedial
10 action.

11 If the Commission does not take action on a re-
12 quest for rescission within 90 days after the
13 date of submission of such request, effective on
14 the 91st day after the date of such submission,
15 the consumer product initially refused submis-
16 sion under paragraph (1) may be imported into
17 the United States.

18 “(3) EMERGENCY DETERMINATION.—The
19 Chairman of the Commission may make an emer-
20 gency determination to refuse admission of a con-
21 sumer product from a country, manufacturer, dis-
22 tributor, shipper, or retailer if such consumer prod-
23 uct has been strongly associated with a single sig-
24 nificant injury or illness, or death. Malicious intent
25 or negligence may be taken into account when the

1 Chairman makes such an emergency determination.
2 An emergency determination under this paragraph
3 shall be in effect—

4 “(A) for a 30-day period; or

5 “(B) until the Chairman rescinds the
6 emergency determination.

7 “(4) COMPLIANCE WITH TRADE AGREE-
8 MENTS.—Any refusal to admit the consumer product
9 under this subsection shall be done in a manner con-
10 sistent with bilateral, regional, and multilateral
11 trade agreements and the rights and obligations of
12 the United States.

13 “(5) RULEMAKING.—Not later than 90 days
14 after the date of the enactment of the Imported
15 Consumer Product Safety Improvement Act of 2007,
16 the Commission shall issue a notice for proposed
17 rule making. Within 120 days from the date of the
18 publication of the notice of proposed rule making in
19 the Federal Register, the Commission shall issue the
20 final rule.”.

21 (b) CONSULTATION WITH HOMELAND SECURITY.—
22 The Commission shall consult with the Secretary of
23 Homeland Security to carry out the intent of this legisla-
24 tion.

1 (c) EFFECTIVE DATE.—Section 17(b) of the Con-
2 sumer Product Safety Act, shall take effect on the effec-
3 tive date provided in the regulations promulgated under
4 section 6 of such Act.