

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

Page 30, line 2, strike “Section 6(b)” and insert the following:

1       (a) PUBLIC DISCLOSURE OF INFORMATION.—Section  
2 6(b)

Page 31, after line 13 insert the following:

3       (b) DATABASE OF REPORTED INCIDENTS; DATABASE  
4 OF MANUFACTURER REPORTED-DATA.—

5           (1) IN GENERAL.—Section 6 (15 U.S.C. 2055)  
6 is further amended by adding at the end the fol-  
7 lowing:

8       “(f) DATABASE OF REPORTED INCIDENTS.—

9           “(1) DATABASE.—Notwithstanding the require-  
10 ments of this section related to disclosure of infor-  
11 mation, the Commission shall include in a database  
12 available to the public on the Commission’s  
13 website—

14           “(A) any reports of incidents involving a  
15 consumer product that are received by the Com-  
16 mission from consumers, hospitals, physicians,

1 or other persons alleging serious injuries or  
2 death or risk of serious injury or death; and

3 “(B) information reported to the commis-  
4 sion by manufacturers pursuant to subsection  
5 (g).

6 The Commission shall make such reports available  
7 on such website not later than 15 days after receiv-  
8 ing such reports.

9 “(2) CONTENT TO BE MADE AVAILABLE.—A re-  
10 port included in the database shall include—

11 “(A) a description of the alleged incident  
12 and the injuries reported to have resulted;

13 “(B) the consumer product reported to  
14 have been involved in the incident, and the  
15 manufacturer of the product and the model of  
16 the product if such information is identified in  
17 the report; and

18 “(C) identifying information of the persons  
19 involved in the incident, if such persons have  
20 affirmatively permitted the inclusion of such  
21 identifying information.

22 “(3) INFORMATION RELATING TO INVESTIGA-  
23 TION OR RESOLUTION.—The Commission shall in-  
24 clude with any report made available on the data-

1 base information relating to any action by the Com-  
2 mission to—

3 “(A) investigate the incident that is the  
4 subject of the report;

5 “(B) investigate the conformity to con-  
6 sumer product safety rules of the product that  
7 is the subject of the report; or

8 “(C) resolve any such investigation.

9 “(4) DISCLAIMER.—The Commission shall in-  
10 clude in each such report in the database a state-  
11 ment declaring that the report is provided for infor-  
12 mational purposes only and that the Commission has  
13 not investigated the report and cannot vouch for the  
14 accuracy of the report.

15 “(5) FUNCTIONALITY OF THE DATABASE.—Re-  
16 ports made available on the database shall be cat-  
17 egorized by product, manufacturer, and model of  
18 product and shall be aggregated by the Commission  
19 to display the total number of reported incidents by  
20 product, manufacturer, and model.

21 “(6) IMPLEMENTATION.—Not later than 1 year  
22 after the effective date of the Consumer Product  
23 Safety Modernization Act, the Commission shall,  
24 pursuant to section 553 of title 5, United States

1 Code, promulgate a final rule to implement this sub-  
2 section.

3 “(g) MANUFACTURER-REPORTED DATABASE.—

4 “(1) REPORTING REQUIREMENT.—The Com-  
5 mission shall, by rule, require manufacturers of cer-  
6 tain consumer products to report to the Commission,  
7 quarterly and upon the request of the Commission,  
8 the following information, to the extent that such in-  
9 formation is available to the manufacturer:

10 “(A) Aggregate data related to warranty  
11 claims and consumer complaint letters sub-  
12 mitted to the manufacturer regarding serious  
13 injuries and death from alleged defects.

14 “(B) Aggregate data related to customer  
15 satisfaction campaigns, lawsuits, consumer  
16 advisories, recalls, or other activity involving  
17 consumer claims or the repair or replacement of  
18 consumer products.

19 “(C) Reports of incidents received by the  
20 manufacturer that involve a product of that  
21 manufacturer and that involve allegations of a  
22 risk of serious injury or death or result in seri-  
23 ous injury or death.

24 “(2) FORM OF REPORTING.—In requiring the  
25 reporting of any information requested by the Com-

1 mission under this subsection, the Commission shall  
2 specify in the final rule promulgated under para-  
3 graph (1)—

4 “(A) how such information will be reviewed  
5 and utilized to assist in the identification of de-  
6 fects related to consumer product safety;

7 “(B) the systems and processes that the  
8 Commission will employ or establish to review  
9 and utilize such information;

10 “(C) the manner and form of reporting  
11 such information, including in electronic form.

12 “(3) INCLUSION ON DATABASE.—Aggregate in-  
13 formation received by the Commission pursuant to  
14 the final rule promulgated under paragraph (1) shall  
15 be available on the database established under sub-  
16 section (f). The database shall include a summary of  
17 such information including, at minimum, the make,  
18 model, serial number, number of consumer com-  
19 plaints and lawsuits, nature of defect, severity of in-  
20 cident and alleged harm, alleged date of incident or  
21 report and corrective action taken, if any, by the  
22 manufacturer. Information shall be made publicly  
23 available under this subparagraph notwithstanding  
24 other requirements for public disclosure or the avail-  
25 ability of the information from other sources.

1           “(4) CONSTRUCTION.—Section 552(b) of title  
2           5, United States Code, shall not be grounds for  
3           withholding disclosure of information received by the  
4           Commission under this subsection.”.

5           (2) DEADLINE FOR RULEMAKING.—The Com-  
6           mission shall complete the rulemaking required  
7           under the amendment made by paragraph (1) not  
8           later than 9 months after the date of enactment of  
9           this Act.

10          (3) CONFORMING AMENDMENTS.—Section 6  
11          (15 U.S.C. 2055) is further amended—

12                 (A) in subsection (a)(3), by inserting at  
13                 the end the following “This paragraph shall not  
14                 apply to the inclusion of reported incidents on  
15                 the database established pursuant to subsection  
16                 (f).”;

17                 (B) in subsection (b), by adding at the end  
18                 the following:

19                 “(9) This subsection shall not apply to the in-  
20                 clusion of reported incidents on the database estab-  
21                 lished pursuant to subsection (f).”.