

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4040
OFFERED BY Ms. ESHOO**

Page 38, line 1, insert “**ENHANCED RECALL AUTHORITY AND**” after the section designation, and after such line insert the following:

1 (a) **ENHANCED RECALL AUTHORITY**.—Section 15
2 (15 U.S.C. 2064) is amended—

3 (1) in subsection (c)—

4 (A) by striking “if the Commission” and
5 inserting “(1) If the Commission”;

6 (B) by inserting “or if the Commission,
7 after notifying the manufacturer, determines a
8 product to be an imminently hazardous con-
9 sumer product and has filed an action under
10 section 12,” after “from such substantial prod-
11 uct hazard,”;

12 (C) by redesignating paragraphs (1)
13 through (3) as subparagraphs (D) through (F),
14 respectively;

15 (D) by inserting after “the following ac-
16 tions:” the following:

17 “(A) To cease distribution of the product.

1 “(B) To notify all persons that transport, store,
2 distribute, or otherwise handle the product, or to
3 which the product has been transported, sold, dis-
4 tributed, or otherwise handled, to cease immediately
5 distribution of the product.

6 “(C) To notify appropriate State and local pub-
7 lic health officials.”; and

8 (E) by adding at the end the following:

9 “(2) If a district court determines, in an action filed
10 under section 12, that the product that is the subject of
11 such action is not an imminently hazardous consumer
12 product, the Commission shall rescind any order issued
13 under this subsection with respect to such product.”.

14 (2) in subsection (f)—

15 (A) by striking “An order” and inserting
16 “(1) Except as provided in paragraph (2), an
17 order”; and

18 (B) by inserting at the end the following:

19 “(2) The requirement for a hearing in para-
20 graph (1) shall not apply to an order issued under
21 subsection (c) relating to an imminently hazardous
22 consumer product with regard to which the Commis-
23 sion has filed an action under section 12.”.

Page 38, line 2, strike “Section 15(d)” and insert
“(b) CORRECTIVE ACTION PLANS.—Section 15(d)”.

Amend the table of contents in section 1(b) by amending the item related to section 209 to read as follows:

Sec. 209. Enhanced recall authority and corrective action plans.

VOICE NOTE 12/18