

Ravenel	Smith (OR)	Vucanovich
Rogers	Spence	Walker
Rose	Spratt	Watt
Saxton	Stump	Williams
Schaefer	Tanner	Young (AK)
Scott	Taylor (NC)	
Sisisky	Thompson	

ANSWERED "PRESENT"—1

Applegate

NOT VOTING—14

Andrews (TX)	Gallo	Reynolds
Borski	Hastings	Sundquist
Brooks	Michel	Valentine
Crane	Natcher	Washington
Edwards (CA)	Portman	

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. TORRES, assumed the Chair.

When Mr. PRICE of North Carolina, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

120.20 PERMISSION TO FILE REPORT

On motion of Mr. MOAKLEY, by unanimous consent, the Committee on Rules was granted permission until midnight tonight to file a privileged report (Rept. No. 103-429) on the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the United States Government for fiscal years 1995, 1996, 1997, 1998, and 1999.

120.21 HOUR OF MEETING

On motion of Mr. WISE, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 o'clock a.m. on Thursday, March 10, 1994.

120.22 TOY SAFETY

On motion of Mrs. COLLINS of Illinois, by unanimous consent, the bill (H.R. 965) to provide for toy safety and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Protection Act".

TITLE I—TOY LABELING REQUIREMENTS
SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

(a) REQUIREMENT UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended by adding at the end the following new section:

"SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

"(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—

"(1) REQUIREMENT.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years (or such other upper age limit as the Commission may determine, which may not be less than 5 years old), any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toy or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary

statement described in paragraph (2) if the toy or game—

"(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

"(B) includes a small part, as defined by the Commission.

"(2) LABEL.—The cautionary statement required by paragraph (1) for a toy or game shall be as follows:



" WARNING:

**CHOKING HAZARD—Small parts.
Not for children under 3 yrs.**

"(b) BALLOONS, SMALL BALLS, AND MARBLES.—

"(1) REQUIREMENT.—In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children 3 years of age or older, any marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

"(A) the packaging of such balloon, ball, marble, toy, or game,

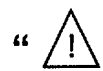
"(B) any descriptive material which accompanies such balloon, ball, marble, toy, or game, and

"(C) in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from which such unpackaged balloon, ball, marble, toy, or game is dispensed,

shall bear or contain the cautionary statement described in paragraph (2).

"(2) LABEL.—The cautionary statement required under paragraph (1) for a balloon, ball, marble, toy, or game shall be as follows:

"(A) BALLOONS.—In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement applies:



" WARNING:

CHOKING HAZARD—Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.

**Keep uninflated balloons from children.
Discard broken balloons at once.**

"(B) BALLS.—In the case of balls, the following cautionary statement applies:



" WARNING:

**CHOKING HAZARD—This toy is a small ball.
Not for children under 3 yrs.**

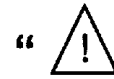
"(C) MARBLES.—In the case of marbles, the following cautionary statement applies:



" WARNING:

**CHOKING HAZARD—This toy is a marble.
Not for children under 3 yrs.**

"(D) TOYS AND GAMES.—In the case of toys or games containing balls, the following cautionary statement applies:



" WARNING:

**CHOKING HAZARD—Toy contains a small ball.
Not for children under 3 yrs.**

In the case of toys or games containing marbles, the following cautionary statement applies:



" WARNING:

**CHOKING HAZARD—Toy contains a marble.
Not for children under 3 yrs.**

"(c) GENERAL LABELING REQUIREMENTS.—
"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any cautionary statement required under subsection (a) or (b) shall be—

"(A) displayed in its entirety on the principal display panel of the product's package, and on any descriptive material which accompanies the product, and, in the case of bulk sales of such product when unpackaged, on the bin, container for retail display of the product, and any vending machine from which the unpackaged product is dispensed, and

"(B) displayed in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such package, descriptive materials, bin, container, and vending machine, and in a manner consistent with part 1500 of title 16, Code of Federal Regulations (or successor regulations thereto).

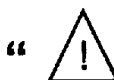
"(2) EXCEPTION FOR PRODUCTS MANUFACTURED OUTSIDE UNITED STATES.—In the case of a product manufactured outside the United States and directly shipped from the manufacturer to the consumer by United States mail or other delivery service, the accompanying material inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.

"(3) SPECIAL RULES FOR CERTAIN PACKAGES.—(A) A cautionary statement required by subsection (a) or (b) may, in lieu of display on the principal display panel of the product's package, be displayed on another panel of the package if—

"(i) the package has a principal display panel of 15 square inches or less and the required statement is displayed in three or more languages; and

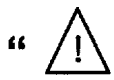
"(ii) the statement specified in subparagraph (B) is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward the place on the package where the statement required by subsection (a) or (b) appears.

"(B)(i) In the case of a product to which subsection (a), subsection (b)(2)(B), subsection (b)(2)(C), or subsection (b)(2)(D) applies, the statement specified by this subparagraph is as follows:



" SAFETY WARNING

"(ii) In the case of a product to which subsection (b)(2)(A) applies, the statement specified by this subparagraph is as follows:



" WARNING—CHOKING HAZARD

"(d) TREATMENT AS MISBRANDED HAZARDOUS SUBSTANCE.—A balloon, ball, marble,

toy, or game, that is not in compliance with the requirements of this section shall be considered a misbranded hazardous substance under section 2(p)."

(b) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3 years of age, and

(2) with a diameter of 1.75 inches or less, shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(c) REGULATIONS.—The Consumer Product Safety Commission (hereinafter referred to as the "Commission") shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of this section and section 24 of the Federal Hazardous Substances Act by July 1, 1994, or the date that is 6 months after the date of enactment of this Act, whichever occurs first. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuances of regulations under this subsection.

(d) EFFECTIVE DATE; APPLICABILITY.—Subsections (a) and (b) shall take effect January 1, 1995, and section 24 of the Federal Hazardous Substances Act shall apply only to products entered into commerce on or after January 1, 1995.

(e) PREEMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), a State or political subdivision of a State may not establish or enforce a requirement relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children unless such requirement is identical to a requirement established by amendments made by this section to the Federal Hazardous Substances Act or by regulations promulgated by the Commission.

(2) EXCEPTION.—A State or political subdivision of a State may, until January 1, 1995, enforce a requirement described in paragraph (1) if such requirement was in effect on October 2, 1993.

SEC. 102. REPORTING REQUIREMENTS.

(a) REPORTS TO CONSUMER PRODUCT SAFETY COMMISSION.—

(1) REQUIREMENT TO REPORT.—Each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(2) TREATMENT UNDER CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.

(3) EFFECT ON LIABILITY.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

(b) CONFIDENTIALITY PROTECTIONS.—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of

such Act, information so reported shall be treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.

TITLE II—CHILDREN'S BICYCLE HELMET SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Children's Bicycle Helmet Safety Act of 1993".

SEC. 202. ESTABLISHMENT OF PROGRAM.

The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 203, make grants to States and nonprofit organizations for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

SEC. 203. PURPOSES FOR GRANTS.

A grant made under section 202 may be used by a grantee to—

(1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;

(2) assist individuals under the age of 16 to acquire approved bicycle helmets;

(3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or

(4) carry out any combination of the activities described in paragraphs (1), (2), and (3).

SEC. 204. STANDARDS.

(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established under subsection (c).

(b) INTERIM STANDARDS.—The interim standards are as follows:

(1) The American National Standards Institute standard designated as "Z90.4-1984".

(2) The Snell Memorial Foundation standard designated as "B-90".

(3) The American Society of Testing Materials standard designated as "F 1447".

(4) Any other standard that the Commission determines is appropriate.

(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;

(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;

(3) include in the final standard provisions that address the risk of injury to children; and

(4) include additional provisions as appropriate.

Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection

(a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

For the National Highway Traffic Safety Administration to carry out the grant program authorized by this title, there are authorized to be appropriated \$2,000,000 for fiscal year 1994, \$3,000,000 for fiscal year 1995, and \$4,000,000 for fiscal year 1996.

SEC. 206. DEFINITION.

In this title, the term "approved bicycle helmet" means a bicycle helmet that meets—

(1) any interim standard described in section 204(b), pending establishment of a final standard under section 204(c); and

(2) the final standard, once it is established under section 204(c).

TITLE III—BUCKET DROWNING PREVENTION

SEC. 301. LABELING STANDARD REQUIREMENTS.

On October 1, 1994, or 240 days after the date of the enactment of this title, whichever first occurs, there is established and effective a consumer product safety standard under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), to eliminate or reduce the risk of injury or death resulting from infants falling into 4-gallon to 6-gallon buckets containing liquid. Such standard, when established, shall require straight sided or slightly tapered, open head containers with a capacity of more than 4 gallons and less than 6 gallons (referred to in this title as a "bucket"), to bear one warning label in English and Spanish. The label shall meet the following requirements:

(1) The label shall be permanent so that such label cannot be removed, torn or defaced without the aid of tools or solvents.

(2) The label shall be at least 7 inches in height, and 3½ inches in width, or any larger size as the labeler may choose.

(3) The label shall be centered on one side of the bucket just below the point where the handle is inserted.

(4) The label shall have a border or other form of contrast around its edges to delineate it from any other information on the bucket.

(5) The label shall bear (A) the signal word "WARNING" in both English and Spanish, in bold uppercase lettering, and (B) in upper and lower case lettering the words "Children Can Fall Into Bucket and Drown. Keep Children Away From Buckets With Even a Small Amount of Liquid.", with an equivalent Spanish translation in at least the same type size as English. The signal word panel shall be preceded by a safety alert symbol consisting of an exclamation mark in a triangle.

(6) The label shall be clear and conspicuous and in contrasting colors.

(7) The label shall include a picture of a child falling into a bucket containing liquid. An encircled slash symbol shall be superimposed over, and surround the pictorial. The picture shall be positioned between the signal word panel and the message panel.

SEC. 302. CERTAIN BUCKETS NOT AFFECTED.

The standard established by section 301 applies only to buckets manufactured or imported on or after the effective date of such standard, and buckets manufactured or imported before such effective date may be sold without the warning label required by section 301 even though such sales occur after that date. The Consumer Product Safety Commission, by rule, shall prohibit a manufacturer, filler, distributor, and retailer from

stockpiling buckets to which consumer product safety standards established by section 301 of this title would have applied but for the preceding sentence. For purposes of this section, the term "stockpiling" shall have the same meaning as that provided by section 9(g)(2) of the Consumer Product Safety Act.

SEC. 303. PROHIBITED ACTS.

(a) REMOVAL OF LABEL.—Once placed on a plastic bucket pursuant to the standard provided by section 301, it shall be a prohibited act under section 19 of the Consumer Product Safety Act for any person in the chain of distribution of the bucket to intentionally cover, obstruct, tear, deface or remove the label.

(b) CONSUMER PRODUCT SAFETY STANDARD.—The standard established by section 301 of this title shall be considered a consumer product safety standard established under the Consumer Product Safety Act.

SEC. 304. EXISTING LABELS.

Notwithstanding section 301, any bucket label in use on September 1, 1993, may, if such label is substantially in conformance with the requirements of paragraphs (3), (4), (5), and (6) of section 301, continue to be placed on buckets until 12 months after the date of the enactment of this title. Notwithstanding the preceding sentence, buckets subject to the provisions of this section must bear both an English and Spanish language label on and after the effective date of the standard established by section 301.

SEC. 305. AMENDMENTS.

Section 553 of title 5, United States Code, shall apply with respect to the Consumer Product Safety Commission's issuance of any amendments or changes to the bucket labeling standard established by section 301 of this title. Sections 7 and 9 of the Consumer Product Safety Act shall not apply to such amendments or changes.

SEC. 306. RESPONSIBILITY FOR LABELING.

(a) LABELING.—The standard established by section 301 requires the labeling of buckets covered by such standard to be the responsibility of the manufacturer of any such buckets, unless otherwise specified by contract between the manufacturer, and either the filler, distributor, or retailer of such buckets. Under no circumstances shall any such bucket enter the stream of commerce without such label.

(b) TIME FOR PLACING LABELS.—The required label must be on the bucket at the time it is sold or delivered to the end user of the bucket or its contents or, in the case of a bucket intended to be sold to the public in an empty state, at the time it is shipped to a retailer for sale to the public.

SEC. 307. PERFORMANCE STANDARD.

(a) PERFORMANCE STANDARD.—Within 30 days following the date of enactment of this title, the Consumer Product Safety Commission shall commence a proceeding under the Consumer Product Safety Act for the issuance of a performance standard for buckets to address the drowning hazard associated with this product. Such standard shall take effect at such time as may be prescribed by the Consumer Product Safety Commission, but in no event later than 15 months following the date of the enactment of this title. The Consumer Product Safety Commission shall consider any American Society for Testing and Materials voluntary performance standard in existence prior to such date of enactment.

(b) LABELING REQUIREMENTS.—The labeling requirements under section 101 shall not apply to buckets certified by the Consumer Product Safety Commission as meeting the performance standard in subsection (a).

SEC. 308. CONSULTATION.

To avoid duplicative and conflicting labeling, the Consumer Product Safety Commis-

sion shall complete a consultation with relevant Federal agencies within 30 days following the date of enactment of this Act.

SEC. 309. REQUIREMENT FOR COMMISSION STUDY.

(a) STUDY.—The Commission shall conduct a study to assess the frequency of deaths and injuries arising from drowning accidents in metal buckets, and the frequency and type of uses of 4-gallon to 6-gallon metal containers in the home, to determine whether special design and labeling standards are needed for such containers. The Commission shall report the results of the study to the Congress not later than one year after the date of enactment of this Act.

(b) EXEMPTION.—During the pendency of such study, metal containers which would otherwise be required to comply with the labeling requirements of section 301 are exempt from such requirements. Upon review of the results of the study, the Commission shall decide whether to continue this exemption, to require compliance by metal containers, or to consider further study in the future.

On motion of Mrs. COLLINS of Illinois, said Senate amendment was agreed to with the following amendment:

In lieu of the matter inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Child Safety Protection Act".

TITLE I—TOY LABELING REQUIREMENTS

SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.

(a) REQUIREMENT UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended by adding at the end the following new section:

"SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOY AND GAMES.


"(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—

"(1) REQUIREMENT.—The packaging of any toy or game intended for used by children who are at least 3 years old but not older than 6 years (or such other upper age limit as the Commission may determine, which may not be less than 5 years old), any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toy or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary statement described in paragraph (2) if the toy or game—

"(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

"(B) includes a small part, as defined by the Commission.

"(2) LABEL.—The cautionary statement requirement by paragraph (1) for a toy or game shall be as follows:

	WARNING:
<p>CHOKING HAZARD—Small parts. <i>Not for children under 3 yrs.</i></p>	

"(b) BALLOONS, SMALL BALLS, AND MARBLES.—

"(1) REQUIREMENT.—In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children 3 years of age or older, any marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, ball or marble, which is manufactured for

sale, offered for sale, or distributed in commerce in the United States—

"(A) the packaging of such balloon, ball, marble, toy, or game,


"(B) any descriptive material which accompanies such balloon, ball, marble, toy, or game, and

"(C) in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from which such unpackaged balloon, ball, marble, toy, or game is dispensed.


shall bear or contain the cautionary statement described in paragraph (2).

"(2) LABEL.—The cautionary statement required under paragraph (1) for a balloon, ball, marble, toy, or game shall be as follows:


"(A) BALLOONS.—In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement applies:

	WARNING:
<p>CHOKING HAZARD—Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. <i>Adult supervision required.</i></p> <p>Keep uninflated balloons from children. <i>Discard broken balloons at once.</i></p>	


"(B) BALLS.—In the case of balls, the following cautionary statement applies:

	WARNING:
<p>CHOKING HAZARD—This toy is a small ball. <i>Not for children under 3 yrs.</i></p>	


"(C) MARBLES.—In the case of marbles, the following cautionary statement applies:

	WARNING:
<p>CHOKING HAZARD—This toy is a marble. <i>Not for children under 3 yrs.</i></p>	

"(D) TOYS AND GAMES.—In the case of toys or games containing balls, the following cautionary statement applies:

	WARNING:
<p>CHOKING HAZARD—This toy is a small ball. <i>Not for children under 3 yrs.</i></p>	

In the case of toys or games containing marbles, the following cautionary statement applies:

	WARNING:
<p>CHOKING HAZARD—Toy contains a small marble. <i>Not for children under 3 yrs.</i></p>	

"(c) GENERAL LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any cautionary statement required under subsection (a) or (b) shall be—

"(A) displayed in its entirety on the principal display panel of the product's package, and on any descriptive material which accompanies the product, and, in the case of bulk sales of such product when unpackaged, on the bin, container for retail display of the product, and any vending machine from

which the unpackaged product is dispensed, and

“(B) displayed in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such package, descriptive materials, bin, container, and vending machine, and in a manner consistent with part 1500 of title 16, Code of Federal Regulations (or successor regulations thereto).

“(2) EXCEPTION FOR PRODUCTS MANUFACTURED OUTSIDE UNITED STATES.—In the case of a product manufactured outside the United States and directly shipped from the manufacturer to the consumer by United States mail or other delivery service, the accompanying material inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.

“(3) SPECIAL RULES FOR CERTAIN PACKAGES.—(A) A cautionary statement required by subsection (a) or (b) may, in lieu of display on the principal display panel of the product's package, be displayed on another panel of the package if—

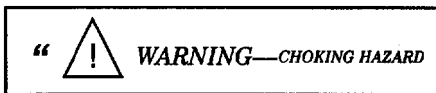
“(i) the package has a principal display panel of 15 square inches or less and the required statement is displayed in three or more languages; and

“(ii) the statement specified in subparagraph (B) is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward a place on the package where the statement required by subsection (a) or (b) appears.

“(B)(i) In the case of a product to which subsection (a), subsection (b)(2)(B), subsection (b)(2)(C), or subsection (b)(2)(D) applies, the statement specified by this subparagraph is as follows:



“(ii) In the case of a product to which subsection (b)(2)(A) applies, the statement specified by this subparagraph is as follows:



“(d) TREATMENT AS MISBRANDED HAZARDOUS SUBSTANCE.—A balloon, ball, marble, toy, or game, that is not in compliance with the requirements of this section shall be considered a misbranded hazardous substance under section 2(p).”.

(b) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3 years of age, and

(2) with a diameter of 1.75 inches or less, shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(c) REGULATIONS.—The Consumer Product Safety Commission (hereinafter referred to as the “Commission”) shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of this section and section 24 of the Federal Hazardous Substances Act by July 1, 1994, or the date that is 6 months after the date of enactment of this Act, whichever occurs first. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuance of regulations under this subsection.

(d) EFFECTIVE DATE; APPLICABILITY.—Subsections (a) and (b) shall take effect January 1, 1995, and section 24 of the Federal Hazardous Substances Act shall apply only to products entered into commerce on or after January 1, 1995.

(e) PREEMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), a State or political subdivision of a State may not establish or enforce a requirement relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children unless such requirement is identical to a requirement established by amendments made by this section to the Federal Hazardous Substances Act or by regulations promulgated by the Commission.

(2) EXCEPTION.—A State or political subdivision of a State may, until January 1, 1995, enforce a requirement described in paragraph (1) if such requirement was in effect on October 2, 1993.

SEC. 102. REPORTING REQUIREMENTS.

(a) REPORTS TO CONSUMER PRODUCT SAFETY COMMISSION.—

(1) REQUIREMENT TO REPORT.—Each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(2) TREATMENT UNDER CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.

(3) EFFECT ON LIABILITY.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

(b) CONFIDENTIALITY PROTECTIONS.—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of such Act, information so reported shall be treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.

TITLE II—CHILDREN'S BICYCLE HELMET SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the “Children's Bicycle Helmet Safety Act of 1993”.

SEC. 202. STANDARDS.

(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established under subsection (c).

(b) INTERIM STANDARDS.—The interim standards are as follows:

(1) The American National Standards Institute standard designated as “Z90.4-1984”.

(2) The Snell Memorial Foundation standard designated as “B-90”.

(3) The American Society for Testing and Materials (ASTM) standard designated as “F 1447”.

(4) Any other standard that the Commission determines is appropriate.

(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this

Act, the Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;

(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;

(3) include in the final standard provisions that address the risk of injury to children; and

(4) include additional provisions as appropriate.

Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

A motion to reconsider the vote whereby said Senate amendment was agreed to with an amendment was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶20.23 SUBPOENA

The SPEAKER pro tempore, Mr. STRICKLAND, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
House of Representatives, March 7, 1994.

Hon. THOMAS FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with House Rule 50, I respectfully notify you of my receipt of a witness subpoena from the Superior Court of Cobb County, Georgia.

After consultation with the General Counsel to the House, I have determined that compliance is not consistent with the privileges and precedents of the House.

Sincerely,

NEWT GINGRICH.

¶20.24 MESSAGE FROM THE PRESIDENT—EUROPEAN UNION NUCLEAR COOPERATION

The SPEAKER pro tempore, Mr. STRICKLAND, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

The United States has been engaged in nuclear cooperation with the European Community (now European Union) for many years. This cooperation was initiated under agreements that were concluded over three decades ago between the United States and the European Atomic Energy Community [EURATOM] and that extend until December 31, 1995. Since the inception of