

to safety, are qualified to serve as members of the Commission.”

Subsec. (d). Pub. L. 101-608, §103, inserted before period at end of first sentence “, except that if there are only three members serving on the Commission because of vacancies in the Commission, two members of the Commission shall constitute a quorum for the transaction of business, and if there are only two members serving on the Commission because of vacancies in the Commission, two members shall constitute a quorum for the six month period beginning on the date of the vacancy which caused the number of Commission members to decline to two”.

Subsec. (g)(1). Pub. L. 101-608, §104, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Chairman, subject to the approval of the Commission, shall appoint an Executive Director, a General Counsel, a Director of Engineering Sciences, a Director of Epidemiology, and a Director of Information. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.”

Subsec. (j). Pub. L. 101-608, §105(a), added subsec. (j). 1980—Subsec. (g)(2). Pub. L. 96-373 struck out prohibition against regular personnel acceptance of employment or compensation from manufacturer subject to this chapter for period of twelve months following termination of employment with Commission when compensated within preceding period of twelve months at rate in excess of annual rate of basic pay in effect for grade GS-14 of the General Schedule.

1978—Subsec. (a). Pub. L. 95-631, §2(a), substituted “Senate. The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission. An individual may be appointed as a member of the Commission and as Chairman at the same time.” for “Senate, one of whom shall be designated by the President as Chairman. The Chairman, when so designated shall act as Chairman until the expiration of his term of office as Commissioner.”

Subsec. (i)(1)(A), (B). Pub. L. 95-631, §2(b), struck out “before January 1, 1978,” after “deceit” in cl. (A) and “before January 1, 1978” after “employee thereof” in cl. (B).

1976—Subsec. (f)(3). Pub. L. 94-284, §4(a), added par. (3).

Subsec. (g). Pub. L. 94-284, §4(b), substituted “regular” for “full-time” before “officer or employee of the Commission” and added pars. (3) and (4).

Subsec. (i). Pub. L. 94-284, §5, added subsec. (i).

#### EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-608, title I, §105(b), Nov. 16, 1990, 104 Stat. 3111, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years which begin more than 180 days after the date of the enactment of this Act [Nov. 16, 1990].”

#### EFFECTIVE DATE

Section effective Oct. 27, 1972, see section 34(1) of Pub. L. 92-573, set out as a note under section 2051 of this title.

#### INTERIM QUORUM

Pub. L. 110-314, title II, §202(a), Aug. 14, 2008, 122 Stat. 3039, provided that: “Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the [Consumer Product Safety] Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the 1 year period beginning on the date of enactment of this Act [Aug. 14, 2008].”

#### UPGRADE OF COMMISSION INFORMATION TECHNOLOGY SYSTEMS

Pub. L. 110-314, title II, §212(b), Aug. 14, 2008, 122 Stat. 3052, provided that: “The [Consumer Product Safety]

Commission shall expedite efforts to upgrade and improve the information technology systems in use by the Commission on the date of enactment of this Act [Aug. 14, 2008].”

#### REDUCTION IN NUMBER OF COMMISSIONERS

Pub. L. 102-389, title III, Oct. 6, 1992, 106 Stat. 1596, provided in part that funds would not be available for the personnel compensation and benefits of more than three Commissioners of the Consumer Product Safety Commission for fiscal year 1993 and thereafter, prior to repeal by Pub. L. 110-314, title II, §202(b)(1), Aug. 14, 2008, 122 Stat. 3040.

[Pub. L. 110-314, title II, §202(b)(2), Aug. 14, 2008, 122 Stat. 3040, provided that: “The amendment made by paragraph (1) [repealing provisions of title III of Pub. L. 102-389, formerly set out above] shall take effect 1 year after the date of enactment of this Act [Aug. 14, 2008].”]

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 2053a. Employee training exchanges

#### (a) In general

The Commission may—

(1) retain or employ officers or employees of foreign government agencies on a temporary basis pursuant to section 2053 of this title or section 3101 or 3109 of title 5; and

(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies for the purpose of providing or receiving training.

#### (b) Reciprocity and reimbursement

The Commission may execute the authority contained in subsection (a) with or without reimbursement in money or in kind, and with or without reciprocal arrangements by or on behalf of the foreign government agency involved. Any amounts received as reimbursement for expenses incurred by the Commission under this section shall be credited to the appropriations account from which such expenses were paid.

#### (c) Standards of conduct

An individual retained or employed under subsection (a)(1) shall be considered to be a Federal employee while so retained or employed, only for purposes of—

(1) injury compensation as provided in chapter 81 of title 5 and tort claims liability under chapter 171 of title 28;

(2) the Ethics in Government Act (5 U.S.C. App.) and the provisions of chapter 11 of title 18; and

(3) any other statute or regulation governing the conduct of Federal employees.

(Pub. L. 110-314, title II, §208, Aug. 14, 2008, 122 Stat. 3046.)

#### REFERENCES IN TEXT

The Ethics in Government Act, referred to in subsec. (c)(2), probably means the Ethics in Government Act of 1978, Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in

the Appendix to Title 5, Government Organization and Employees, and Tables.

#### CODIFICATION

Section was enacted as part of the Consumer Product Safety Improvement Act of 2008, and not as part of the Consumer Product Safety Act which comprises this chapter.

#### DEFINITION

For definition of “Commission” used in this section, see section 2(a) of Pub. L. 110-314, set out as a note under section 2051 of this title.

### § 2054. Product safety information and research

#### (a) Injury Information Clearinghouse; duties

The Commission shall—

(1) maintain an Injury Information Clearinghouse to collect, investigate, analyze, and disseminate injury data, and information, relating to the causes and prevention of death, injury, and illness associated with consumer products;

(2) conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary;

(3) following publication of a notice of proposed rulemaking for a product safety rule under any rulemaking authority administered by the Commission, assist public and private organizations or groups of manufacturers, administratively and technically, in the development of safety standards addressing the risk of injury identified in such notice; and

(4) to the extent practicable and appropriate (taking into account the resources and priorities of the Commission), assist public and private organizations or groups of manufacturers, administratively and technically, in the development of product safety standards and test methods.

#### (b) Research, investigation and testing of consumer products

The Commission may—

(1) conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products;

(2) test consumer products and develop product safety test methods and testing devices; and

(3) offer training in product safety investigation and test methods.

#### (c) Grants and contracts for conduct of functions

In carrying out its functions under this section, the Commission may make grants or enter into contracts for the conduct of such functions with any person (including a governmental entity).

#### (d) Availability to public of information

Whenever the Federal contribution for any information, research, or development activity authorized by this chapter is more than minimal, the Commission shall include in any contract, grant, or other arrangement for such activity, provisions effective to insure that the rights to all information, uses, processes, patents, and other developments resulting from that activity

will be made available to the public without charge on a nonexclusive basis. Nothing in this subsection shall be construed to deprive any person of any right which he may have had, prior to entering into any arrangement referred to in this subsection, to any patent, patent application, or invention.

(Pub. L. 92-573, §5, Oct. 27, 1972, 86 Stat. 1211; Pub. L. 97-35, title XII, §1209(a), (b), Aug. 13, 1981, 95 Stat. 720; Pub. L. 110-314, title II, §204(a)(2), Aug. 14, 2008, 122 Stat. 3041.)

#### AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110-314 struck out “an advance notice of proposed rulemaking or” after “following publication of”.

1981—Subsec. (a)(3), (4). Pub. L. 97-35, §1209(a), added pars. (3) and (4).

Subsec. (b)(3). Pub. L. 97-35, §1209(b), struck out provision that the Commission may assist public and private organizations, administratively and technically, in the development of safety standards and test methods.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35, effective Aug. 13, 1981, see section 1215 of Pub. L. 97-35, set out as a note under section 2052 of this title.

#### STUDY OF AVERSIVE AGENTS

Pub. L. 101-608, title II, §204, Nov. 16, 1990, 104 Stat. 3124, provided that: “The Consumer Product Safety Commission shall conduct a study of requiring manufacturers of consumer products to include aversive agents, as appropriate, in products which present a hazard if ingested to determine the potential effectiveness of the aversive agents in deterring ingestion. In conducting the study, the Commission shall consult with appropriate consumer, health, and business organizations and appropriate government agencies. The Commission shall report to Congress the status of the study within one year of the date of the enactment of this Act [Nov. 16, 1990] and shall complete the study not later than 2 years after such date of enactment.”

#### FIRE SAFE CIGARETTE ACT OF 1990

Pub. L. 101-352, Aug. 10, 1990, 104 Stat. 405, provided that:

##### “SECTION 1. SHORT TITLE; FINDINGS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Fire Safe Cigarette Act of 1990’.

“(b) FINDINGS.—The Congress finds that—

“(1) cigarette-ignited fires are the leading cause of fire deaths in the United States,

“(2) in 1987, there were 1,492 deaths from cigarette-ignited fires, 3,809 serious injuries, and \$395,000,000 in property damage caused by such fires,

“(3) the final report of the Technical Study Group on Cigarette and Little Cigar Fire Safety under the Cigarette Safety Act of 1984 [set out below] determined that (A) it is technically feasible and may be commercially feasible to develop a cigarette that will have a significantly reduced propensity to ignite furniture and mattresses, and (B) the overall impact on other aspects of the United States society and economy may be minimal,

“(4) the final report of the Technical Study Group on Cigarette and Little Cigar Fire Safety under the Cigarette Safety Act of 1984 further determined that the value of a cigarette with less of a likelihood to ignite furniture and mattresses which would prevent property damage and personal injury and loss of life is economically incalculable,

“(5) it is appropriate for the Congress to require by law the completion of the research described in the final report of the Technical Study Group on Ciga-