

116TH CONGRESS
1ST SESSION

H. R. 3169

To protect consumers by codifying a fast-track recall program to remove potentially hazardous products from the marketplace as quickly and efficiently as possible.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2019

Mrs. RODGERS of Washington introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To protect consumers by codifying a fast-track recall program to remove potentially hazardous products from the marketplace as quickly and efficiently as possible.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Focusing Attention
5 on Safety Transparency and Effective Recalls Act” or the
6 “FASTER Act”.

7 **SEC. 2. FAST TRACK RECALLS OF CONSUMER PRODUCTS.**

8 Section 2064 of title 15, United States Code, is
9 amended by inserting at the end the following:

1 “(k) FAST TRACK RECALLS.—

2 “(1) IN GENERAL.—If a manufacturer, dis-
3 tributor, or retailer notifies the Commission in writ-
4 ing of its intention to carry out a fast track recall
5 plan to address a potential substantial product haz-
6 ard at no charge to consumers by repairing the af-
7 fected products, replacing the affected products with
8 like or equivalent products, or refunding the pur-
9 chase price of the products (less a reasonable allow-
10 ance for use for products that are more than one
11 year old at the time of the notification to the Com-
12 mission), the Commission shall promptly post the
13 notice provided by the manufacturer, distributor, or
14 retailer on the Commission’s website. The Commis-
15 sion may publicize the information contained in the
16 notice by other means at its discretion.

17 “(A) The Commission’s posting of the no-
18 tice on its website shall constitute notification
19 to the public for purposes of section 19(a)(5).

20 “(B) The manufacturer, distributor, or re-
21 tailer carrying out the fast track recall plan
22 shall include in its notice to the Commission the
23 following information, which shall be included
24 in the public website posting:

1 “(i) A clear description of the prod-
2 uct, including the volume of products af-
3 fected in the United States.

4 “(ii) A clear description of the safety
5 risk being addressed.

6 “(iii) How a consumer can obtain a
7 remedy offered by the manufacturer, dis-
8 tributor, or retailer.

9 “(iv) A statement that the remedy will
10 be provided without charge to the con-
11 sumer.

12 “(v) The earliest date on which the
13 remedy will be available to consumers.

14 “(vi) The schedule for notifying pur-
15 chasers, distributors, and retailers of the
16 fast track recall plan.

17 “(C) The manufacturer, distributor, or re-
18 tailer carrying out the fast track recall plan
19 may include additional information with its no-
20 tice to the Commission, which additional infor-
21 mation may include confidential business infor-
22 mation. The public notice along with any other
23 information provided to the Commission shall
24 constitute the fast track recall plan.

1 “(D) The Commission shall not delay the
2 posting of the public notice of the fast track re-
3 call plan for any reason related to reviewing the
4 adequacy of the remedy or reviewing the public
5 notice content or format, except that the Com-
6 mission may reject a public notice that does not
7 include the content specified in subparagraph
8 (B) of this paragraph.

9 “(E) The filing of a fast track recall plan
10 with the Commission shall not constitute an ad-
11 mission that the affected products contain a de-
12 fect or present a substantial product hazard
13 within the meaning of this section.

14 “(2) ADEQUACY OF REMEDY.—If the Commis-
15 sion obtains information that a remedy provided in
16 a fast track recall plan under paragraph (1) is inad-
17 equate to address the potential product hazard iden-
18 tified by the manufacturer, distributor, or retailer
19 carrying out the fast track recall plan, the Commis-
20 sion may commence a proceeding under subsection
21 (c) or (d) to determine whether the product contains
22 a substantial product hazard and, if so, to order the
23 manufacturer, distributor, or retailer to take one or
24 more of the actions specified in either of those sub-
25 sections.

1 “(3) ACCELERATION OF SCHEDULE.—If the
2 Commission determines that a fast track recall plan
3 for which notice was provided under paragraph (1)
4 is not likely to be capable of making remedies avail-
5 able to consumers within a reasonable time, the
6 Commission may commence a proceeding under sub-
7 section (c) or (d) to determine whether the product
8 contains a substantial product hazard, and, if so,
9 shall order the manufacturer, distributor, or retailer
10 to accelerate the remedy part of the fast track recall
11 plan.

12 “(4) NO EFFECT ON OTHER PROVISIONS.—
13 Nothing in this subsection shall be construed to alter
14 the obligations of a manufacturer, distributor, or re-
15 tailer to provide a report required under subsection
16 (b).”.

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