PLAINTIFF'S EXHIBIT

CAP-718

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96TH CONGRESS
1ST SESSION

H. R. 4973

To amend title 18 of the United States Code to impose penalties with respect to certain nondisclosure by business entities as to dangerous products.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1979

Mr. MILLER of California (for himself, Mr. CONYERS, Mr. GORE, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. BUCHANAN, Mr. CARR, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DIXON, Mr. DORNAN, Mr. DOWNEY, Mr. ECKHARDT, Mr. EDGAR, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. GRAY, Mr. GUARINI, Ms. HOLTZMAN, Mr. LENT, Mr. LONG of Maryland, Mr. MAGUIRE, Mr. MARKEY, Mr. MCHUGH, Mr. MITCHELL of Maryland, Mr. NEAL, Mr. NOLAN, Mr. OTTINGER, Mr. PEPPER, Mr. SIMON, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, Mr. STOKES, Mr. VENTO, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, and Mr. WOLPE) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 18 of the United States Code to impose penalties with respect to certain nondisclosure by business entities as to dangerous products.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 89 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 1822. Nondisclosure of certain matters by certain business entities and personnel

"(a) Whoever—

"(1) is an appropriate manager with respect to a product or business practice;

"(2) discovers in the course of business as such manager a serious danger associated with such product (or a component of that product) or business practice; and

"(3) knowingly fails to so inform each appropriate Federal agency in writing, if such agency has not been otherwise so informed, and warn affected employees in writing, if such employees have not been so warned, before the end of thirty days after such discovery is made;

shall be fined not less than $50,000 or imprisoned not less than two years, or both, but if the convicted defendant is a corporation, such fine shall be not less than $100,000.

"(b) As used in this section—

"(1) the term 'appropriate manager' means a person having management authority in or as a business entity with respect to a particular product or business practice, if such authority extends to informing Federal agencies and such business entity's personnel about serious dangers associated with such product (or

any component of such product) or such business practice;

"(2) the term 'product' means a product of the business entity with respect to which the relevant accused person is the appropriate manager;

"(3) the term 'business practice' means a business practice with respect to which the relevant accused person is the appropriate manager;

"(4) the term 'discovers', used with respect to a serious danger, means obtains information that would convince a reasonable person in the circumstances in which the discoverer is situated that it is probable the serious danger exists;

"(5) the term 'serious danger', used with respect to a product or business practice, means that the normal or reasonably foreseeable use of, or the exposure of human beings to, such product or such business practice will cause death or serious bodily injury to an individual;

"(6) the term 'serious bodily injury' means an impairment of physical condition, including physical pain, that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ;

"(7) the term 'warn affected employees', used with respect to a serious danger, means give sufficient description of the danger to all individuals working for or in the business entity who are likely to be subject to the serious danger in the course of that work; and

"(8) the term 'appropriate Federal agency' means a Federal agency having regulatory authority with respect to the product or business practice and dangers of the sort discovered.".

SEC. 2. The table of sections for chapter 89 of title 18 of the United States Code is amended by adding at the end the following new item:

"1822. Nondisclosure of certain matters by certain business entity personnel."

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