

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 8128**

**OFFERED BY MR. MCNERNEY**

*Mr. Burgess, and Mr. Guthrie*

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Consumer Safety Technology Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

**TITLE I—ARTIFICIAL INTELLIGENCE AND CONSUMER PRODUCT  
SAFETY**

Sec. 101. Short title.  
Sec. 102. Pilot program for use of artificial intelligence by Consumer Product  
Safety Commission.

**TITLE II—BLOCKCHAIN TECHNOLOGY INNOVATION**

Sec. 201. Short title.  
Sec. 202. Study on blockchain technology and its use in consumer protection.

**TITLE III—DIGITAL TOKEN TAXONOMY**

Sec. 301. Short title.  
Sec. 302. Findings.  
Sec. 303. Reports on unfair or deceptive acts or practices in transactions relating to digital tokens.

**6 SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “consumer product” has the  
2 meaning given such term in section 3(a) of the Con-  
3 sumer Product Safety Act (15 U.S.C. 2052(a)); and

4 (2) the term “Secretary” means the Secretary  
5 of Commerce.

6 **TITLE I—ARTIFICIAL INTEL-**  
7 **LIGENCE AND CONSUMER**  
8 **PRODUCT SAFETY**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “AI for Consumer  
11 Product Safety Act”.

12 **SEC. 102. PILOT PROGRAM FOR USE OF ARTIFICIAL INTEL-**  
13 **LIGENCE BY CONSUMER PRODUCT SAFETY**  
14 **COMMISSION.**

15 (a) **ESTABLISHMENT.**—Not later than 1 year after  
16 the date of enactment of this Act, the Consumer Product  
17 Safety Commission shall establish a pilot program to ex-  
18 plore the use of artificial intelligence by the Commission  
19 in support of the consumer product safety mission of the  
20 Commission.

21 (b) **REQUIREMENTS.**—In conducting the pilot pro-  
22 gram established under subsection (a), the Commission  
23 shall do the following:

24 (1) Use artificial intelligence for at least 1 of  
25 the following purposes:

1 (A) Tracking trends with respect to inju-  
2 ries involving consumer products.

3 (B) Identifying consumer product hazards.

4 (C) Monitoring the retail marketplace (in-  
5 cluding internet websites) for the sale of re-  
6 called consumer products (including both new  
7 and used products).

8 (D) Identifying consumer products re-  
9 quired by section 17(a) of the Consumer Prod-  
10 uct Safety Act (15 U.S.C. 2066(a)) to be re-  
11 fused admission into the customs territory of  
12 the United States.

13 (2) Consult with the following:

14 (A) Technologists, data scientists, and ex-  
15 perts in artificial intelligence and machine  
16 learning.

17 (B) Cybersecurity experts.

18 (C) Members of the retail industry.

19 (D) Consumer product manufacturers.

20 (E) Consumer product safety organiza-  
21 tions.

22 (F) Any other person the Commission con-  
23 siders appropriate.

24 (c) REPORT TO CONGRESS.—Not later than 180 days  
25 after the conclusion of the pilot program established under

1 subsection (a), the Consumer Product Safety Commission  
2 shall submit to the Committee on Energy and Commerce  
3 of the House of Representatives and the Committee on  
4 Commerce, Science, and Transportation of the Senate,  
5 and make publicly available on the website of the Commis-  
6 sion, a report on the findings and data derived from such  
7 program, including whether and the extent to which the  
8 use of artificial intelligence improved the ability of the  
9 Commission to advance the consumer product safety mis-  
10 sion of the Commission.

11 **TITLE II—BLOCKCHAIN**  
12 **TECHNOLOGY INNOVATION**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Blockchain Innovation  
15 Act”.

16 **SEC. 202. STUDY ON BLOCKCHAIN TECHNOLOGY AND ITS**  
17 **USE IN CONSUMER PROTECTION.**

18 (a) IN GENERAL.—

19 (1) STUDY REQUIRED.—Not later than one  
20 year after the date of enactment of this Act, the  
21 Secretary of Commerce, in consultation with the  
22 Federal Trade Commission, and in consultation with  
23 the any other appropriate Federal agency the Sec-  
24 retary determines appropriate, shall conduct a study  
25 on current and potential use of blockchain tech-

1 nology in commerce and the potential benefits of  
2 blockchain technology for limiting fraud and other  
3 unfair and deceptive acts and practices.

4 (2) REQUIREMENTS FOR STUDY.—In con-  
5 ducting the study, the Secretary shall examine—

6 (A) trends in the commercial use of and  
7 investment in blockchain technology;

8 (B) best practices in facilitating public-pri-  
9 vate partnerships in blockchain technology;

10 (C) potential benefits and risks of  
11 blockchain technology for consumer protection;

12 (D) how blockchain technology can be used  
13 by industry and consumers to reduce fraud and  
14 increase the security of commercial trans-  
15 actions;

16 (E) areas in Federal regulation of  
17 blockchain technology that greater clarity would  
18 encourage domestic innovation: and

19 (F) any other relevant observations or rec-  
20 ommendations related to blockchain technology  
21 and consumer protection.

22 (3) PUBLIC COMMENT.—In producing the study  
23 required in subsection (a)(2), the Secretary shall  
24 provide opportunity for public comment and advice  
25 relevant to the production of the study.

1 (b) REPORT TO CONGRESS.—Not later than 6  
2 months after the completion of the study required pursu-  
3 ant to subsection (a), the Secretary shall submit to the  
4 Committee on Energy and Commerce of the House of  
5 Representatives and the Committee on Commerce,  
6 Science, and Transportation of the Senate, and make pub-  
7 licly available on the website of the Department of Com-  
8 merce, a report that contains the results of the study con-  
9 ducted under subsection (a).

## 10 **TITLE III—DIGITAL TOKEN** 11 **TAXONOMY**

### 12 **SEC. 301. SHORT TITLE.**

13 This title may be cited as the “Digital Taxonomy  
14 Act”.

### 15 **SEC. 302. FINDINGS.**

16 Congress finds that—

17 (1) it is important that the United States re-  
18 mains a leader in innovation;

19 (2) digital tokens and blockchain technology are  
20 driving innovation and providing consumers with in-  
21 creased choice and convenience;

22 (3) the use of digital tokens and blockchain  
23 technology is likely to increase in the future;

24 (4) the Federal Trade Commission is respon-  
25 sible for protecting consumers from unfair or decep-

1       tive acts or practices, including relating to digital to-  
2       kens;

3           (5) the Commission has previously taken action  
4       against unscrupulous companies and individuals that  
5       committed unfair or deceptive acts or practices in-  
6       volving digital tokens; and

7           (6) to bolster the Commission's ability to en-  
8       force against unfair or deceptive acts or practices in-  
9       volving digital tokens, the Commission should ensure  
10      staff have appropriate training and resources to  
11      identify and pursue such cases.

12 **SEC. 303. REPORTS ON UNFAIR OR DECEPTIVE ACTS OR**  
13                   **PRACTICES IN TRANSACTIONS RELATING TO**  
14                   **DIGITAL TOKENS.**

15      Not later than one year after the date of enactment  
16      of this Act and each year thereafter until fiscal year 2024,  
17      the Federal Trade Commission shall transmit to the Com-  
18      mittee on Energy and Commerce of the House of Rep-  
19      resentatives and the Committee on Commerce, Science,  
20      and Transportation of the Senate, and make publicly  
21      available on its website, a report of—

22           (1) any actions taken by the Commission relat-  
23      ing to unfair or deceptive acts or practices in trans-  
24      actions relating to digital tokens;

1           (2) the Commission’s other efforts to prevent  
2           unfair or deceptive acts or practices relating to dig-  
3           ital tokens; and

4           (3) any recommendations by the Commission  
5           for legislation that would improve the ability of the  
6           Commission and other relevant Federal agencies—

7                   (A) to further protect consumers from un-  
8                   fair or deceptive acts or practices in the digital  
9                   token marketplace; and

10                   (B) to promote competition and promote  
11                   innovation in the global digital token sector.

Amend the title so as to read: “A bill to direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the mission of the Commission and direct the Secretary of Commerce and the Federal Trade Commission to study and report on the use of blockchain technology and digital tokens, respectively.”.

