



MEMORANDUM

May 24, 2022

To: Subcommittee on Consumer Protection and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Hearing on “Legislative Hearing to Protect Consumers and Strengthen the Economy”

On **Thursday, May 26, 2022, at 12 p.m. (EDT), in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and via Cisco Webex online video conferencing**, the Subcommittee on Consumer Protection and Commerce will hold a legislative hearing entitled, “Legislative Hearing to Protect Consumers and Strengthen the Economy.”

I. H.R. 3355, THE “SAVE AMERICA’S FORGOTTEN EQUINES ACT” (THE “SAFE ACT”)

A. Background

While annual appropriations bills have effectively banned the slaughter of horses for human consumption in the United States, federal law does not prohibit the transport of horses across the border for slaughter in Canada and Mexico.¹ Between 2015, and 2019, over 350,000 horses were exported for slaughter from the United States to Mexico.² Over 92,000 horses were imported to Canada for slaughter between 2015 and 2018.³

B. Legislation

H.R. 3355, the “Save America’s Forgotten Equines Act of 2021,” introduced by Reps. Schakowsky (D-IL) and Buchanan (R-FL), prohibits the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation by a person of any horse or other equine that the person has reason to believe will be slaughtered for human consumption.

¹ Pub. L. No. 117-103 (2022).

² *Just How Many Horses Leave the U.S. Bound for Slaughter?*, Paulick Report (Feb. 15, 2020).

³ *Id.*

II. H.R. 3853, THE “PINK TAX REPEAL ACT”

A. Background

Gender discrimination in pricing is pervasive across different types of products and services aimed at both children and adults.⁴ One particularly comprehensive study from the New York City Department of Consumer Affairs found that, on average, products marketed towards women and girls were a full seven percent more expensive than the same products marketed to boys and men, costing women thousands of dollars over the course of their lives.⁵ This added cost, or so-called “pink tax,” is particularly harmful given the continued inequity in pay between men and women in the United States, where women earned approximately 84 percent of what men earned for the same work in 2020.⁶

B. Legislation

H.R. 3853, the “Pink Tax Repeal Act,” introduced by Rep. Speier (D-CA) and 45 original bipartisan cosponsors, prohibits product manufacturers or service providers from selling substantially similar consumer products from the same manufacturer or substantially similar services at different prices when those prices are based on the gender for whom such products or services are intended or marketed.

The bill provides authority for the Federal Trade Commission (FTC) to seek civil penalties for violations of this Act and allows state attorneys general to enforce these requirements.

III. H.R. 3962, “SECURING AND ENABLING COMMERCE USING REMOTE AND ELECTRONIC NOTARIZATION ACT OF 2021”

A. Background

Notarization is an official process to attest that a document is authentic and is typically required for wills, marriage certificates, mortgages, and other documents concerning valuable assets.⁷ While notarization has historically required a person to physically appear before a notary public, the coronavirus disease of 2019 (COVID-19) pandemic spurred several states to permit remote online notarizations. To date, dozens of states have enacted laws or taken emergency actions to permit remote online notarization.⁸

⁴ New York City Department of Consumer Affairs, *From Cradle to Cane: The Cost of Being a Female Consumer* (Dec. 2015).

⁵*Id.*

⁶ Pew Research Center, *Gender Pay Gap in U.S. Held Steady in 2020* (May 25, 2021) (<https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/>).

⁷ National Notary Association, *What Is Notarization?* (<https://www.nationalnotary.org/knowledge-center/about-notaries/what-is-notarization>) (accessed May 23, 2022).

⁸ DLA Piper, *[UPDATED] Coronavirus: Federal and State Governments Work Quickly to Enable Remote Online Notarization to Meet Global Crisis* (Aug. 25, 2021)

B. Legislation

H.R. 3962, the “Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2021,” introduced by Rep. Dean (D-PA) and 32 original bipartisan cosponsors, permits remote online notarization and establishes nationwide standards and technical requirements for it. This bill allows a notary public commissioned under state law to remotely notarize electronic records and perform notarizations for remotely-located individuals. The bill requires U.S. courts and states to recognize remote notarizations, including remote notarizations from notary publics commissioned in other states or U.S. territories, that occur in or affect interstate commerce. State laws that meet or exceed the minimum national standards and technical requirements of the bill will remain in effect.

IV. H.R. 4081, “INFORMING CONSUMERS ABOUT SMART DEVICES ACT”

A. Background

According to a recent Deloitte survey, the average American home has 11 Internet of Things (IoT) devices, 28 percent of consumers have at least one home automation device connected to the internet, and 11 percent of consumers claim to use at least three connected home automation devices.⁹ Researchers at Northwestern University have found that some IoT devices, such as Amazon’s Alexa, Apple’s Siri, Google Assistant, and Microsoft’s Cortana, can be tricked into recording when they hear certain words that may not have come directly from the end user or with their consent, and these errors could happen at least once an hour.¹⁰

B. Legislation

H.R. 4081, the “Informing Consumers About Smart Devices Act,” introduced by Reps. Curtis (R-UT) and Moulton (D-MA), requires manufacturers of internet-connected devices (e.g., smart appliances) that are equipped with a camera or microphone to disclose to consumers that a camera or microphone is part of the device. The bill does not apply to mobile phones, laptops, or other devices that a consumer would reasonably expect to include a camera or microphone.

The bill requires the FTC to issue guidance to assist regulated entities with compliance and provides authority for the FTC to enforce violations, including the authority to seek civil penalties for violations.

(<https://www.dlapiper.com/en/us/insights/publications/2020/03/coronavirus-federal-and-state-governments-work-quickly-to-enable-remote-online-notarization/#:~:text=Currently%2C%2034%20states%20have%20enacted,%2C%20Ohio%2C%20Oklahoma%2C%20Oregon%2C>).

⁹ Deloitte Insights, *Build It and They Will Embrace It* (2019).

¹⁰ Consumer Reports, *Yes, Your Smart Speaker Is Listening When It Shouldn’t* (July 9, 2021) (<https://www.consumerreports.org/smart-speakers/yes-your-smart-speaker-is-listening-when-it-should-not/>).

V. H.R. 5313, “REESE’S LAW”

A. Background

Button cell or coin batteries are small, single-cell batteries with a diameter greater than the height of the battery so that it resembles a button. These batteries can be used to power common household electronics like television remotes, key fobs, and meat thermometers, among other items. Due to their small size and availability in various household electronics, button cell batteries pose a serious harm to children under six years old who can suffer serious injuries or die if they swallow these batteries.¹¹ The battery can get caught in the child’s esophagus and burn the esophageal tissue, and, in some cases, these burns can rapidly create a hole in the esophagus, which can lead to difficulty breathing and eating.¹²

In 2021, the Consumer Product Safety Commission (CPSC) found that injuries related to batteries among children between the ages of five and nine rose by 93 percent during the first six months of the COVID-19 pandemic, from March to September 2020.¹³ Consumer and parent advocacy groups have urged manufacturers to make safer button cell batteries or to make safer device covers for compartments where these batteries are kept.¹⁴

B. Legislation

H.R. 5313, “Reese’s Law,” introduced by Reps. Robin Kelly (D-IL), Arrington (R-TX), and Lieu (D-CA), requires the CPSC to establish mandatory safety standards to protect children from ingesting button cell batteries or coin batteries. These standards should include requirements for button cell battery packaging that warn of the hazards of ingestion and instruct consumers to keep new and used batteries out of the reach of children. The bill is named after Reese Hamsmith, an 18-month-old child who tragically died after ingesting a button cell battery.

VI. H.R. 5441, THE “PREVENTING ALL SORING TACTICS (PAST) ACT”

A. Background

Soring is a process of applying an irritating or blistering agent to a limb of a horse to accentuate the horse’s gait, which may cause a horse to move with exaggerated high steps.¹⁵ In the 1950s and 1960s, some exhibitors used soring to improve show horses’ performances at

¹¹ American Academy of Pediatrics, *Parent Plus: Button Batteries Can Cause Injuries, Death if Swallowed* (May 6, 2016).

¹² *Her Daughter Swallowed a Button Battery and Died, Now This Mom is Taking Action*, Today (Mar. 1, 2021).

¹³ Consumer Product Safety Commission, *Effect of Novel Coronavirus Pandemic on 2020 Preliminary NEISS Estimates (March-September 2020)* (Jan. 11, 2021).

¹⁴ See note 12.

¹⁵ Department of Agriculture Office of Inspector General, *Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program* (Sept. 2010).

shows and events.¹⁶ Congress passed the Horse Protection Act of 1970, which was amended in 1976, to establish that soring at horse shows, horse sales, and other horse exhibitions is prohibited and outlines penalties if inspectors find a horse to have been sored.¹⁷ Despite the prohibition, the U.S. Department of Agriculture (USDA) Inspector General found that the USDA’s program for inspecting horses for soring does not adequately prevent abuse.¹⁸

B. Legislation

H.R. 5441, the “PAST Act of 2021,” introduced by Rep. Cohen (D-TN) and 212 other original bipartisan cosponsors, requires the Secretary of USDA to prescribe regulations for the licensing, training, assignment, and oversight of persons qualified to detect and diagnose a sore horse. The bill explicitly prohibits the use of acting devices and pads (which can intensify a horse’s pain) on horse breeds that have a history of being victims of soring and increases penalties to imprisonment up to three years and fines up to \$5,000 per violation.

VII. H.R. 6290, THE “MANUFACTURING.GOV ACT”

A. Background

According to the Government Accountability Office, 58 programs spread across 11 federal agencies provide support to U.S. manufacturing.¹⁹ Today, there is no centralized repository of information about the various federal programs supporting manufacturing.

B. Legislation

H.R. 6290, the “Manufacturing.gov Act,” introduced by Reps. Tonko (D-CA), Axne (D-IA), and Upton (R-MI), requires the Department of Commerce to establish a section of the manufacturing.gov website to serve as the primary hub for information relating to federal manufacturing programs.

VIII. TRAVEL AND TOURISM

A. Background

Travel spending decreased by 42 percent from 2019 to 2020, amounting to \$492 billion in cumulative losses for the American travel economy.²⁰ Workers employed in travel, tourism, and outdoor recreation experienced earnings losses as high as 40 percent during the second

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Government Accountability Office, *U.S. Manufacturing: Federal Programs Reported Providing Support and Addressing Trends* (Mar. 28, 2017).

²⁰ U.S. Travel Association, *Weekly Coronavirus Impact on Travel Expenditures in the U.S.* (Jan. 22, 2021).

quarter of 2020.²¹

B. H.R. 6965, THE “VISIT AMERICA ACT”

H.R. 6965, the “Visit America Act,” introduced by Reps. Titus (D-NV), Case (D-HI), and Young (R-AK), implements measures to support the U.S. travel and tourism industry, including requiring the Department of Commerce to develop a 10-year strategy with annual goals to boost the industry.

The bill also establishes the role of Assistant Secretary of Commerce for Travel and Tourism, whose responsibilities shall include: (1) setting an annual goal for the number of international visitors to the United States, (2) providing support for improved visitor visa processing, and (3) promoting travel exports abroad. Additionally, the Assistant Secretary must develop and implement a COVID-19 pandemic recovery strategy to assist the recovery of the U.S. travel and tourism industry.

The bill also provides statutory authority for the United States Travel and Tourism Advisory Board, which shall aid the assistant secretary in developing and implementing the COVID-19 pandemic recovery strategy.

C. H.R. 7820, THE “TRAVEL AND TOURISM ACT”

H.R. 7820, the “Travel and Tourism Act,” introduced by Reps. Dunn (R-FL) Soto (D-FL), and Salazar (R-FL) implements measures to support the U.S. travel and tourism industry, including requiring the Department of Commerce to develop a 10-year travel and tourism strategy with annual goals for the number of international visitors to the United States.

The bill requires the Secretary of Commerce to establish an annual goal for the number of international visitors to the United States. Further, the Secretary must develop and implement a COVID-19 pandemic recovery strategy to assist the recovery of the U.S. travel and tourism industry.

The bill also provides statutory authority for the United States Travel and Tourism Advisory Board, which shall aid the Secretary in developing and implementing the COVID-19 pandemic recovery strategy.

IX. WITNESSES

The following witnesses have been invited to testify:

Kaitlin Kraska

Director of Federal Legislation, Government Realties

²¹ Census Bureau, *Tourism and Related Industries Declined Sharply in Northeastern States in Spring 2020, Women and Young Workers More Affected Nationwide* (June 23, 2021) (<https://www.census.gov/library/stories/2021/06/initial-impact-of-covid-19-on-travel-tourism-outdoor-recreation-varied-widely-across-states.html>).

American Society for the Prevention of Cruelty to Animals

Julie Menin

Former Commissioner
New York City Department of Consumer Affairs

Hadley Heath Manning

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