



September 25, 2023

**TO:** Members, Subcommittee on Innovation, Data, and Commerce  
**FROM:** Committee Majority Staff  
**RE:** Hearing entitled "Proposals to Enhance Product Safety and Transparency for Americans"

## **I. INTRODUCTION**

The Subcommittee on Innovation, Data, and Commerce will hold a hearing on Wednesday, September 27, 2023, at 10:30 a.m. (ET) in 2322 Rayburn House Office Building. The hearing title is "Proposals to Enhance Product Safety and Transparency for Americans."

## **II. WITNESSES**

- Ms. Kathleen Callahan, Owner, Xpertech Auto Repair
- Mr. Scott Benavidez, Chairman, Automotive Service Association
- Mr. Steven Michael Gentine, Counsel, Arnold & Porter, LLP
- Mr. John Breyault, Vice President of Public Policy, Telecommunications and Fraud, National Consumers League
- Mr. David Touhey, Certified Venue Expert, Principal, Connett Consulting (IAVM, Fix the Tix Coalition member, former president of venues, Monumental Sports); and Adjunct Professor of sports management, Georgetown University and George Washington University

## **III. BACKGROUND**

The Subcommittee on Innovation, Data, and Commerce will hold a hearing to examine legislative proposals to enhance product safety and transparency enforceable by the Federal Trade Commission (FTC) and the Consumer Product Safety Commission (CPSC). The bills are focused on what protections consumers have on event ticketing and hotel lodging, safety of the products in our homes and communities, disclosures of where products are made and what they do, fraud prevention in online dating, and the accessibility and availability of repairing our automobiles.

Summaries of the legislation can be found below.

## IV. LEGISLATION

### **H.R. 3950, The Transparency In Charges for Key Events Ticketing (TICKET) Act (Reps. Bilirakis and Schakowsky)**

This bill would require sellers of event tickets to disclose comprehensive information to consumers about ticket prices and related fees. Ticket sellers in the primary and secondary marketplace would be required to display the total ticket price, as well as itemized to include all fees up front to the consumer at the beginning of a transaction prior to ticket selection. Disclosure of the full ticket price would also be required in any advertisement, marketing activity, or price list.

The bill would also require ticket sellers to disclose to consumers in a clear and conspicuous manner whether the ticket issuer has actual or constructive possession of the event ticket at the time of sale. Violations of these ticket transparency requirements would be enforced as an “unfair or deceptive act or practice” by the FTC.

### **H.R. 3660, The Better Oversight of Stub Sales and Strengthening Well Informed and Fair Transactions for Audiences of Concert Ticketing (BOSS and SWIFT) Act of 2023 (Reps. Pascrell, Pallone, Brownley, and Del. Holmes Norton)**

This bill would establish ticket sales standards for primary ticket sellers, secondary ticket sellers, and secondary ticket sales marketplaces. A violation of provisions in this bill would be enforceable as a violation of a rule defining an “unfair or deceptive act or practice” prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). Additionally, this bill would authorize the FTC to conduct a study of the ticket market to determine the effect of the Commission’s enforcement actions of the BOTS Act of 2016 (15 U.S.C. 45c; Public Law 114– 274) and to provide any recommendations on improving enforcement of the BOTS Act of 2016.

### **H.R. \_\_\_, The Speculative Ticketing Ban Discussion Draft**

This discussion draft would ban the sale of speculative tickets, a ticket where an issuer or secondary market ticket issuer does not have actual or constructive possession of an event ticket. This would not prohibit any services associated for procuring the ticket once the tickets go on sale. The discussion draft would authorize the FTC to enforce its requirements under 15 U.S.C. 57a(a)(1)(B).

### **H.R. 5202, Virginia Graeme Baker Pool and Spa Safety Reauthorization Act (Reps. Wasserman Schultz, Burgess, Carter, Allred, Castor, Williams, Garcia, Flood, Ross, Bacon, and Gottheimer)**

The Virginia Graeme Baker Pool and Spa Safety (VGB) Reauthorization Act (H.R.5202), first authorized in 2008, would extend CPSC’s authority to improve the safety of all pools and spas by increasing the layers of protection and promoting uninterrupted supervision to prevent child drowning and entrapment. The law has three principal elements: (1) requires every public pool in the U.S. to install safe drain covers that prevent suction entrapment; (2) a grant program for states, localities, and Indian Tribes to enforce standards and educate communities about drowning and entrapment dangers; and (3) a national public education campaign, “Pool Safely,” that raises awareness about drowning prevention.

**H.R. 2964, The Wastewater Infrastructure Pollution Prevention and Environmental Safety (WIPPES) Act (Reps. McClain and Peltola)**

This bill would require the FTC to issue regulations requiring entities responsible for the labeling or retail packaging of certain premoistened, nonwoven wipes (e.g., baby wipes, cleaning wipes, or personal care wipes) to label such products clearly and conspicuously with the phrase “Do Not Flush” and accompanying symbol as depicted under specified industry guidelines. The FTC would be authorized to enforce this requirement.

**H.R. 4310, The Youth Poisoning Protection Act (Reps. Trahan, Carey, Porter, and Stewart)**

The bill would ban high-concentration sodium nitrite from commerce by adding such products to the list of banned hazardous products in the Consumer Product Safety Act (15 U.S.C. 2057). It defines “high concentration of sodium nitrite” as a concentration of sodium nitrite greater than 10%; there are no known consumer products that need to contain sodium nitrite above this level. It would not affect sales of high-concentration sodium nitrite to businesses, or to research or medical institutions.

**H.R. 5556, Reinforcing American-Made Products Act (Rep. Curtis)**

This bill would amend Section 320933 of the Violent Crime Control and Law Enforcement Act of 1994 (15 U.S.C. 45a) to specify that the FTC's regulation of the labeling of products as Made in the U.S.A. or Made in America supersedes any conflicting state laws.

**H.R. \_\_\_\_, No Hidden Fees on Extra Expenses for Stays Act (Rep. Kim)**

This discussion draft would prohibit covered providers from advertising prices for hotel rooms and other places of short-term lodging that do not include each mandatory fee. A violation of provisions in this act would be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). In addition to enforcement by the FTC, a state attorney general, official, or agency of a state could bring a civil action on behalf of the residents of the State if they have reason to believe that an interest of the residents of the State has been or is being threatened or adversely affected by a practice that violates provisions of this Act.

**H.R. \_\_\_\_, Online Dating Safety Act of 2023 (Rep. Valadao)**

This discussion draft would require online dating service providers to issue a fraud ban notification to members of the online dating service if the member has received and responded to a message from a banned member of the online dating service. The fraud ban notification requirements would include but are not limited to the following: username or other profile identifier of the banned member; a statement that a member should not send money or personal financial information to another member; and an online link to information regarding ways to avoid online fraud or being defrauded by a member of an online dating service. A violation of the provisions of this Act would be treated as a violation of a regulation under section 618(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding “unfair or deceptive acts or practices.”

**H.R. \_\_\_\_, To amend the Fair Packaging and Labeling Act to establish a Federal standard relating to ingredient disclosure in cleaning products, and for other purposes (Rep. Bucshon)**

This discussion draft would amend the Fair Packaging and Labeling Act to enact a federal standard for the communication of cleaning product ingredients to consumers. It would require manufacturers to provide information efficiently and clearly across the country in a uniform way and enhance the accessibility of cleaning product ingredient information for consumers by requiring both online and on label ingredient communication.

The discussion draft mirrors several communication requirements of the California Cleaning Products Right to Know Act and would not override existing state laws that govern the communication of cleaning product ingredients, or increase the types of products subject to the standard or alter the types of ingredients that must be disclosed.

**H.R. 1797, The Setting Consumer Standards for Lithium-Ion Batteries Act (Reps. Torres, Garbarino, Clarke, Ryan, Bowman, D'Esposito, Espaillat, and Goldman)**

This bill would require the CPSC to set a mandatory safety standard for lithium-ion batteries in micro mobility devices like e-bikes, and e-scooters. Specifically, this bill would require the CPSC to promulgate a final consumer product safety standard for rechargeable lithium-ion batteries used in micro-mobility devices, including electric bicycles and electric scooters, to protect against the risk of fires caused by such batteries. The bill would also require the CPSC to specify types of rechargeable lithium-ion batteries and types of micro-mobility devices that are within the scope of the consumer product safety standard. This consumer product safety standard must be treated as a consumer product safety rule under section 9 of the Consumer Product Safety Act.

**H.R. 906, The Right to Equitable and Professional Auto Industry Repair (REPAIR) Act (Reps. Dunn, Boyle, Davidson, and Gluesenkamp Perez)**

This bill would require a motor vehicle manufacturer to provide to a vehicle's owner certain direct, real-time, in-vehicle data generated by the operation of the vehicle that is related to diagnostics, repair, service, wear, and calibration or recalibration of parts and systems of the vehicle. Specifically, a vehicle manufacturer would not be able to impair an owner's access to such vehicle-generated data or impair an aftermarket parts manufacturer from producing or offering compatible aftermarket parts. A manufacturer would also need to make available to the vehicle's owner and designees, vehicle-generated data through a standardized access platform. Outside of recall and warranty repairs, a manufacturer may not mandate the use of a particular brand or manufacturer of parts, tools, or equipment.

The National Highway Traffic Safety Administration (NHTSA) would be required to issue standards for access to vehicle data through the standardized access platform. The FTC would be required to establish an advisory committee to (1) provide recommendations on the implementation of this bill, and (2) assess and report on existing and emerging barriers to vehicle repair and vehicle owners' control over their vehicle-generated data. This bill would authorize the FTC to enforce these requirements.

#### **H.R. \_\_\_, The Consumer Product Safety Commission Awning Safety Discussion Draft**

This discussion draft would require the CPSC to promulgate a mandatory standard, under Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056, 58), with regard to fixed and freestanding motorized retractable awnings within the jurisdiction of the CPSC, related to the risk of injury or death from the awning unexpectedly opening and striking a person .

#### **H.R. 4814, The Consumer Safety Technology Act (Reps. Soto, Burgess, Trahan, and Guthrie)**

This bill would require various agencies to explore the use of emerging technologies in the context of consumer products and safety. First, the CPSC would be required to consult with relevant stakeholders, such as data scientists and product manufacturers, and use artificial intelligence in a pilot program for a least one of the following processes: (1) tracking trends in injuries involving consumer products, (2) identifying consumer product hazards, (3) monitoring the sale of recalled consumer products, or (4) identifying consumer products that do not meet specified importation requirements related to product safety.

Additionally, the Department of Commerce would be required to consult with the FTC and other relevant agencies to study potential applications of blockchain technology (i.e., the technology that supports digital currencies such as Bitcoin), including the use of such technology to address fraud and other unfair or deceptive practices. Finally, the FTC would be required to report on its efforts to address unfair or deceptive trade practices related to digital tokens (i.e., transferable units of a digital currency).

**V. STAFF CONTACTS**

- Tim Kurth, Chief Counsel
- Teddy Tanzer, Senior Counsel
- Brannon Rains, Professional Staff Member
- Michael Cameron, Professional Staff Member
- Jessica Herron, Clerk