

116TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
 2d Session } 116-588

PANDEMIC EFFECTS ON HOME SAFETY AND TOURISM ACT

NOVEMBER 16, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,
submitted the following

REPOR T

[To accompany H.R. 8121]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 8121) to require the Consumer Product Safety Commission to study the effect of the COVID-19 pandemic on injuries and deaths associated with consumer products, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:

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Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE: TABLE OF CONTENTS.

- SECTION I. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Pandemic Effects on Home Safety and Tourism Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—COVID-19 HOME SAFETY

Sec. 101. Short title.
Sec. 102. Study and report on the effect of the COVID–19 public health emergency on injuries and deaths from consumer products.

TITLE II—PROTECTING TOURISM IN THE UNITED STATES

Sec. 201. Short title.
Sec. 202. Study and report on effects of COVID–19 pandemic on travel and tourism industry in United States.

TITLE I—COVID-19 HOME SAFETY

SEC. 101. SHORT TITLE.

This title may be cited as the “COVID–19 Home Safety Act”.

SEC. 102. STUDY AND REPORT ON THE EFFECT OF THE COVID–19 PUBLIC HEALTH EMERGENCY ON INJURIES AND DEATHS FROM CONSUMER PRODUCTS.

(a) COVID–19 REPORT REQUIRED.—Not later than 3 months after the date of enactment of this section and every 3 months thereafter for the duration of the COVID–19 public health emergency, the Consumer Product Safety Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, a report on the effect of the COVID–19 public health emergency on injuries and deaths from consumer products.

(b) CONTENTS OF REPORT.—The report shall include the following:

- (1) Relevant data and statistics from—
 - (A) the data sources of the Commission;
 - (B) other appropriate agencies;
 - (C) media reports;
 - (D) poison control centers, to the extent practical; and
 - (E) any other relevant data sources.
- (2) An identification of trends in injuries and deaths from consumer products, comparing data from representative time periods before and during the COVID–19 public health emergency.
- (3) An identification of subpopulations that have experienced elevated risk of injury or death from consumer products during the COVID–19 public health emergency, such as minorities, infants, people with disabilities, children, or the elderly.
- (4) An identification of where most injuries or deaths from consumer products during the COVID–19 public health emergency are taking place, such as the type of building or outdoor environment.
- (5) A specification about whether consumer products associated with a substantial number of injuries or deaths during the COVID–19 public health emergency are—
 - (A) under recall;
 - (B) subject to a voluntary consumer product safety standard; or
 - (C) subject to a mandatory consumer product safety standard.
- (6) An identification of emerging consumer products that are posing new risks to consumers.

(c) COVID–19 PUBLIC HEALTH EMERGENCY DEFINED.—The term “COVID–19 public health emergency” means a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of confirmed cases of 2019 novel coronavirus (COVID–19), including any renewal thereof.

TITLE II—PROTECTING TOURISM IN THE UNITED STATES

SEC. 201. SHORT TITLE.

This title may be cited as the “Protecting Tourism in the United States Act”.

SEC. 202. STUDY AND REPORT ON EFFECTS OF COVID–19 PANDEMIC ON TRAVEL AND TOURISM INDUSTRY IN UNITED STATES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the United States Travel and Tourism Advisory Board and the head of any other Federal agency the Secretary considers appropriate, shall complete a study on the effects of the COVID–19 pandemic on the trav-

el and tourism industry, including various segments of the travel and tourism industry, such as domestic, international, leisure, business, conventions, meetings, and events.

(b) MATTERS FOR CONSIDERATION.—In conducting the study required by subsection (a) and the interim study required by subsection (e)(1), the Secretary shall consider—

- (1) changes in employment rates in the travel and tourism industry during the pandemic period;
- (2) changes in revenues of businesses in the travel and tourism industry during the pandemic period;
- (3) changes in employment and sales in industries related to the travel and tourism industry, and changes in contributions of the travel and tourism industry to such related industries, during the pandemic period;
- (4) the effects attributable to the changes described in paragraphs (1) through (3) in the travel and tourism industry and such related industries on the overall economy of the United States during the pandemic period and the projected effects of such changes on the overall economy of the United States following the pandemic period; and
- (5) any additional matters the Secretary considers appropriate.

(c) CONSULTATION AND PUBLIC COMMENT.—In conducting the study required by subsection (a), the Secretary shall—

- (1) consult with representatives of—
 - (A) the small business sector;
 - (B) the restaurant or food service sector;
 - (C) the hotel and alternative accommodations sector;
 - (D) the attractions or recreations sector;
 - (E) the travel distribution services sector;
 - (F) destination marketing organizations;
 - (G) State tourism offices; and
 - (H) the passenger air, railroad, and rental car sectors; and
- (2) provide an opportunity for public comment and advice relevant to conducting the study.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date on which the study required by subsection (a) is completed, the Secretary, in consultation with the United States Travel and Tourism Advisory Board and the head of any other Federal agency the Secretary considers appropriate, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Commerce, a report that contains—

- (1) the results of such study; and
- (2) policy recommendations for promoting and assisting the travel and tourism industry.

(e) INTERIM STUDY AND REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary, after consultation with relevant stakeholders, including the United States Travel and Tourism Advisory Board, shall—

- (1) complete an interim study, which shall be based on data available at the time when the study is conducted and provide a framework for the study required by subsection (a), on the effects of the COVID-19 pandemic (as of such time) on the travel and tourism industry, including various segments of the travel and tourism industry, such as domestic, international, leisure, business, conventions, meetings, and events; and

- (2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Commerce, an interim report that contains the results of the interim study required by paragraph (1).

(f) DEFINITIONS.—In this section—

- (1) the term “pandemic period” has the meaning given the term “emergency period” in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)), excluding any portion of such period after the date that is 1 year after the date of the enactment of this Act;
- (2) the term “Secretary” means the Secretary of Commerce; and
- (3) the term “travel and tourism industry” means the travel and tourism industry in the United States.

Amend the title so as to read:

A bill to require the Consumer Product Safety Commission to study the effect of the COVID-19 pandemic on injuries and deaths associated with consumer products and to direct the Secretary of

Commerce to study and report on the effects of the COVID–19 pandemic on the travel and tourism industry in the United States.

I. PURPOSE AND SUMMARY

H.R. 8121, the “Pandemic Effects on Home Safety and Tourism Act”, was introduced by Representatives Tony Cárdenas (D-CA) and Rodney Davis (R-IL). H.R. 8121 requires the Consumer Product Safety Commission (CPSC) to study and report to Congress on the effects of the coronavirus disease 2019 (COVID–19) pandemic on injuries and deaths associated with consumer products. The original short title of H.R. 8121 as introduced was “COVID–19 Home Safety Act of 2020”, however, it was changed during committee markup when the original bill was combined with H.R. 8122.

During full Committee consideration of the bill, an amendment in the nature of a substitute was adopted incorporating legislative text based on H.R. 8122, the “Protecting Tourism in the United States Act” (*Representatives Kathy Castor (D-FL)* and *Fred Upton (R-MI)*), a bill referred to the Committee on Energy and Commerce on August 28, 2020. H.R. 8122 directs the Department of Commerce (DOC) to conduct a study and report to Congress on the effects of the COVID–19 pandemic on the travel and tourism industry in the United States. H.R. 8121, as reported, will help ensure a full understanding of the effects of the COVID–19 pandemic on home safety and tourism.

II. BACKGROUND AND NEED FOR LEGISLATION

The COVID–19 pandemic has dramatically changed every aspect of American life. Americans are spending more time at home, magnifying existing household risks.¹ Children may be particularly vulnerable, as parents struggle with working remotely and supervising them at the same time. Pediatricians have warned that the drowning risk for kids may increase during the pandemic due to an increase in unsupervised access to swimming pools and increased use of kiddie pools and wading pools.² Trampolines, bikes, and scooters have emerged as major drivers of injuries.³ Calls to poison control centers involving children ingesting hand sanitizer increased by more than 50 percent in March 2020 compared with January 2020.⁴

In response to the pandemic, the CPSC has issued a series of safety checklists to help families identify and handle hidden hazards, including outdoor hazards such as hoverboards and backyard trampolines, and indoor hazards such as furniture tip-overs, dangerous window coverings, and recalled infant products.⁵ The CPSC has yet to provide, however, concrete information on any specific

¹ *Prevent Home Injuries to Kids During the Coronavirus Pandemic*, Consumer Reports (Apr. 17, 2020).

² American Academy of Pediatrics, *Wading Pools, In-Ground and Inflatable Pools Pose Drowning Risk During COVID–19* (June 23, 2020) (services.aap.org/en/news-room/news-releases/aap/2020/wading-pools-in-ground-and-inflatable-pools-pose-drowning-risk-during-covid-19).

³ *Bike Spills, Trampoline Falls and Sips of Sanitizer: How Kids Are Getting Hurt at Home*, New York Times (June 19, 2020) (www.nytimes.com/2020/06/19/well/family/coronavirus-shut-down-children-injuries.html).

⁴ American Association of Poison Control Centers, *Hand Sanitizer* (aapcc.org/track/hand-sanitizer).

⁵ Consumer Product Safety Commission, *COVID–19 Home Safety Information Center* (www.cpsc.gov/Safety-Education/Safety-Education-Centers/covid-19-home-safety).

trend in terms of deaths and injuries associated with consumer products during the pandemic.

As Americans stay home to protect themselves during the COVID-19 pandemic, travel and tourism have plummeted. The travel and tourism industry plays a significant role, not only in the United States economy at large, but many local communities as well. In fact, travel and tourism supports 15.7 million American jobs.⁶ It is important to assess the full effect on the COVID-19 pandemic on the U.S. economy and the millions of workers in the industry to help inform future policymaking decisions.

H.R. 8121 is needed to ensure all Americans have regular updates regarding the effects of the COVID-19 pandemic on home safety, including any emerging threats, so that action can be taken to protect consumers. It is also needed to make sure there is a full accounting of how the COVID-19 pandemic has affected the travel and tourism industry, so that assistance can be directed appropriately and to support the workers and families who rely on the jobs the industry supports.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 8121:

The Subcommittee on Consumer Protection and Commerce held a virtual hearing on July 9, 2020. The hearing was entitled, “Consumers Beware: Increased Risks During the COVID-19 Pandemic.” The Subcommittee received testimony from the following witnesses:

- Kevin Anderson, Senior Deputy Attorney General, Director, Consumer Protection Division North Carolina Department of Justice
- Sally Greenberg, Executive Director, National Consumers League
- Thomas Quaadman, Executive Vice President, Center for Capital Markets Competitiveness, Chamber Technology Engagement Center, Global Innovation Policy Center, U.S. Chamber of Commerce IV.

IV. COMMITTEE CONSIDERATION

Representatives Cárdenas and Davis (R-IL) introduced H.R. 8121 on August 28, 2020, and the bill was referred to the Committee on Energy and Commerce. H.R. 8121 was then referred to the Subcommittee on Consumer Protection and Commerce on August 31, 2020.

On September 9, 2020, H.R. 8121 was discharged from further consideration by the Subcommittee on Consumer Protection and Commerce as the bill was called up for consideration by the full Committee on Energy and Commerce. The full Committee met in virtual open markup session on September 9, 2020, pursuant to notice, to consider H.R. 8121. During consideration of the bill, an amendment in the nature of a substitute offered by Mr. Cárdenas, on behalf of himself and Ms. Castor of Florida, was agreed to by a voice vote. The AINS incorporated the legislative language of

⁶U.S. Travel, *U.S. Travel Answer Sheet* (Mar. 2019) (www.ustravel.org/system/files/media_root/document/Research_Fact-Sheet_US-Travel-Answer-Sheet.pdf).

H.R. 8122. Upon conclusion of consideration of the bill, the full Committee agreed to a motion on final passage offered by Mr. Pal lone, Chairman of the committee, to order H.R. 8121 reported favorably to the House, amended, by a voice vote, a quorum being present. H.R. 8121, as reported, supersedes H.R. 8122.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 8121, including the motion for final passage of the bill.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to study the effect of the COVID-19 pandemic on injuries and deaths associated with consumer products and on the travel and tourism industry in the United States.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 8121 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 8121 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title; Table of contents

Section 1(a) designates that the short title may be cited as the “Pandemic Effects on Home Safety and Tourism Act”. Section 1(b) provides the table of contents.

TITLE I—COVID–19 HOME SAFETY

Sec. 101. Short title

Section 101 designates that this title may be cited as the “COVID–19 Home Safety Act”.

Sec. 102. Study and report on the effect of the COVID–19 public health emergency on injuries and deaths from consumer products

Subsection (a) specifies that not later than three months after the date of enactment, the CPSC shall issue a report every three months of the effect of the COVID–19 public health emergency on injuries and deaths from consumer products.

Subsection (b) specifies that the report shall include: (1) relevant data and statistics; (2) trends in injuries and deaths from consumer products; (3) subpopulations that have experienced elevated risk of injury or death; (4) where most injuries or deaths are taking place; (5) whether consumer products associated with a substantial number of injuries or deaths are under recall or subject to standards; and (6) any emerging consumer products that are posing new risks to consumers.

Subsection (c) defines the term “COVID–19 public health emergency”.

TITLE II—PROTECTING TOURISM IN THE UNITED STATES

[This title incorporates text based on H.R. 8122, sponsored by Representatives Castor (D-FL) and Upton.]

Sec. 201. Short title

Section 201 designates that this title may be cited as the “Protecting Tourism in the United States Act”.

Sec. 202. Study and report on effects of COVID–19 pandemic on travel and tourism industry in the United States

Subsection (a) requires the DOC, in consultation with the United States Travel and Tourism Advisory Board and the head of any other Federal agency considered appropriate, to complete a study on the effects of the COVID–19 pandemic on the travel and tourism industry no later than one year after the date of enactment.

Subsection (b) specifies that the study shall consider certain matters, including any changes in employment rates, revenue, and sales during the pandemic period.

Subsection (c) directs the DOC to consult with representatives in the industry in conducting the study and to provide an opportunity for public comment.

Subsection (d) requires that a report with the results of the study and policy recommendations shall be issued not later than six months after the study is completed.

Subsection (e) requires the DOC, not later than three months after the date of enactment, to complete an interim study and issue an interim report on the effects of the COVID–19 pandemic on the travel and tourism industry.

Subsection (f) defines terms used throughout the bill, including the term “pandemic period”.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H.R. 8121.

