Prepared Testimony

of

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On

Legislative Proposals to Strengthen Consumer Protection in a Changing Marketplace

Before the

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I. Introduction

Chairman Bilirakis, Ranking Member Schakowsky, and Members of the subcommittee, thank you for the opportunity to provide testimony on behalf of the National Consumers League (NCL) in response to today's hearing on strengthening consumer protections. Founded in 1899, NCL is America's pioneering consumer advocacy organization. For more than 125 years, NCL has fought to protect the public from unfair, deceptive, and anticompetitive marketplace practices.[1]

As the subcommittee considers legislation to shape the authority of the Federal Trade Commission (FTC) and the Consumer Product Safety Commission (CPSC), we urge you to prioritize the continuing need for robust consumer protection regulators in this country. Consumers do not need milquetoast enforcers, weighed down by political considerations. We need robust, independent agencies empowered to follow the law and hold corporate wrongdoers accountable.

II. The Critical Need for Independent Consumer Protection Agencies

Before addressing the specific legislation under consideration today, I must express our deep concern regarding ongoing efforts to weaken the structural independence and enforcement capabilities of independent consumer protection agencies like the FTC and the CPSC.

The recent judicial landscape, punctuated by the profound implications of *Trump v. Slaughter*,[2] has significantly altered the regulatory environment. In the wake of this and previous judicial contractions such as the Supreme Court's *AMG Capital Management* decision[3] vital enforcement tools have been stripped from the FTC's toolbox. *Trump v. Slaughter* underscores the severe operational harm inflicted upon these agencies when their structural, independent authorities are dismantled. Regardless of which party occupies the White House or controls Congress, when the independence of the FTC or CPSC is compromised, the ultimate casualties are everyday consumers and fair marketplace competition.

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[1] National Consumers League. *About us*. https://nclnet.org/about-ncl/about-us/
[2] *Trump v. Slaughter*, No. 25-332 (U.S. June 29, 2026). https://www.supremecourt.gov/opinions/25pdf/25-332_qn12.pdf
[3] *AMG Capital Management, LLC v. FTC*, 141 S. Ct. 1341 (2021). https://www.supremecourt.gov/opinions/20pdf/19-508_l6gn.pdf

By hamstringing these bodies, the Supreme Court has signaled a flashing green light to predatory actors who exploit regulatory vacuums. And in the absence of truly independent antitrust enforcers, legitimate small businesses will suffer when dominant market players engage in deceptive, unsafe, and anticompetitive practices that distort the broader economic playing field.

Congress has many options to ensure the integrity of law enforcement's consumer protection mission. In the short term, Congress should actively work to restore and protect the operational autonomy of these institutions rather than leaving them subject to political interference. For example, Congress can condition appropriations for White House priorities on the continued independence of certain regulators. The legislature can also insulate the FTC and other agencies from OIRA's review processes. Lastly, Congress plays a vital role in bringing to light potential improprieties via its oversight and investigatory tools. In short, *Trump v. Slaughter* is not the end of proper agency enforcement if Congress steps up to its constitutional role.

III. NCL Supports Reining in Unfair and Deceptive Practices in Ticketing and Debt Settlement and Promoting Stronger Anti-Fraud Collaboration

The BOSS and SWIFT Act of 2026

NCL strongly supports the BOSS and SWIFT Act, long championed by the late Congressman Bill Pascrell, as the gold standard for live event ticketing reform. It provides a comprehensive, structural overhaul to an industry that has long been rigged against the average fan. As consumers' experiences at the just-concluded World Cup made abundantly clear,[4] [5] legislative solutions to fix the live event industry will only succeed if they attack predatory practices at every stage of the ticketing ecosystem   from the initial primary sale to the secondary resale market.

Following the historic bipartisan and state-led antitrust victory against Live Nation Entertainment, it has become abundantly clear that breaking up a monopoly is only half the battle.[6] The ticketing marketplace *also* requires strict, clear-cut federal rules of the road to protect consumers. The BOSS and SWIFT Act provides the ideal legislative complement to

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[4] Kim, J. National Public Radio. (2026, June 26). *World Cup fans are missing games after their resale tickets fall through*. https://www.npr.org/2026/06/26/nx-s1-5871397/world-cup-tickets-stubhub-resale-controversy
[5] Nam, R. National Public Radio. (2026, May 28). *FIFA's World Cup ticket sales outraged fans. Now they are under investigation*. https://www.npr.org/2026/05/28/nx-s1-5836514/2026-world-cup-fifa-ticket-prices
[6] Treisma, R. National Public Radio. (2026, April 16). A jury declared Live Nation a monopoly. But ticket prices won't drop just yet. https://www.npr.org/2026/04/16/nx-s1-5787491/ticketmaster-live-nation-verdict-monopoly-remedies

ongoing antitrust enforcement by fundamentally re-centering the marketplace around transparency, fairness, and consumer choice.

The bill achieves this in several ways, including:

- *Mandating disclosure of ticket "holdbacks":* The bill would require primary ticket sellers to disclose the total number of tickets being made available to the public *before* the sale begins, alongside the exact date and time of the general sale. This would eliminate the artificial scarcity that bad actors use to induce panic-buying or inflate prices.

- *Requiring strict "all-in" pricing:* From the very first moment a fan clicks on a ticket, whether on a primary site or a secondary exchange, they should see the total price, inclusive of all non-government fees. This allows consumers to compare prices honestly and effectively. This requirement would further ensure that the FTC's Junk Fee Rule, which mandates all-in pricing for tickets, has explicit statutory authorization.

- *Promoting ticketing competition:* The bill would protect competition in the ticketing industry by preventing primary sellers, like the Ticketmaster monopoly, from artificially restricting ticket resale to their own platforms or otherwise prohibiting ticket resale.

- *Resale marketplace reforms:* Under the Act, resale platforms must explicitly disclose that they are secondary marketplaces and not the primary box office. In addition, they would be prohibited from selling "speculative tickets" (selling a ticket the reseller does not actually own yet) unless they clearly disclose to the buyer that they do not possess the ticket and may not be able to fulfill the order.

- *Refund guarantees:* The Act would guarantee that if an event is canceled, consumers are entitled to a full refund (including all those annoying fees) within a reasonable time. If an event is postponed, consumers are given a clear choice between a refund or a ticket to the rescheduled date.

H.R. 2713, Mitigating Automated Internet Networks for (MAIN) Event Ticketing Act
Automated ticket-buying "bots" are the scourge of live event fans. In 2016, NCL was an enthusiastic supporter of the BOTS Act, which first prohibited the use of such bots.[7] Since

[7] Breyault, J. (2016, May 24). *Testimony of John Breyault, Vice President of Public Policy, Telecommunications, and Fraud, National Consumers League, on "Legislative Hearing on 17 FTC Bills"* [Prepared testimony . U.S.

that law took effect, it has become clear that ticketing bots continue to lock everyday consumers out of fair access to primary markets, fueling artificial scarcity and downstream price gouging.

The systemic failure of the current enforcement framework was laid bare by the FTC's landmark 2025 lawsuit against Live Nation and Ticketmaster.[8] The FTC's complaint exposed a shocking reality: rather than using its market-dominant technology to block bots, Ticketmaster actively capitalized on them. The agency alleged that Ticketmaster tacitly coordinated with predatory brokers, choosing to "turn a blind eye as a matter of policy" while scalpers utilized automated software and proxy IP addresses to harvest millions of dollars' worth of tickets in direct violation of the BOTS Act. Because Ticketmaster "triple dips" by collecting fees on the initial primary sale, the secondary resale listing, and the final purchase, the monopoly actively profited from the exact software the 2016 law was designed to eradicate.

By modernizing and strengthening the BOTS Act, the MAIN Event Ticketing Act will close these exact operational loopholes exploited by sophisticated scalper software and complicit platforms alike, re-centering the live entertainment marketplace around the fans.

Recent survey data underscores the broad consumer support for live event ticketing reforms such as the BOSS and SWIFT Act and the MAIN Event Ticketing Act. A 2026 survey conducted by Breakwater Strategy on behalf of Music Artists Coalition reveals a deeply frustrated public. 84% of consumers agree that the ticketing industry needs common-sense reforms to protect fans, while only 42% believe the market currently operates fairly. Crucially, 87% of registered voters nationally support legislation explicitly designed to mandate transparency and fairness in the ticketing marketplace. 94% of voters say preventing automated bots from bulk-buying tickets is a critical priority, and 82% specifically support giving the FTC resources to catch and financially penalize repeat bot offenders.[9]

House of Representatives Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade. https://docs.house.gov/meetings/IF/IF17/20160524/104976/HHRG-114-IF17-Wstate-BreyaultJ-20160524.pdf

[8] Federal Trade Commission. (2025, September 18). *FTC sues Live Nation and Ticketmaster for engaging in illegal ticket resale tactics and deceiving artists and consumers about price and ticket limits* [Press release . https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-sues-live-nation-ticketmaster-engaging-illegal-ticket-resale-tactics-deceiving-artists-consumers

[9] Music Artists Coalition. (2026, May 15). *2026 ticketing policy issues research: Data tables*. https://s3.dualstack.us-east-1.amazonaws.com/busites_www/musicartistscoalition/pages/MAC_2026_Ticketing_Policy_Issues_Research_Data_Tables.pdf

Debt Settlement Disclosure Act of 2026

This legislation injects vital transparency into the aggressive, predatory debt settlement industry, which systematically preys on financially vulnerable consumers. By mandating upfront, explicit disclosures that these operations are for-profit, cannot guarantee successful settlements, and can ruin credit profiles or spark legal action, the bill would eliminate prolific and misleading marketing strategies. Crucially, the bill would explicitly prohibit bad actors from deceptively masquerading as government-endorsed entities or credit counseling services.

In addition, the requirements for strict affirmative consent, 30-day itemized progress reports, and clear final statements would ensure consumers are never blinded by hidden escrow balances or compounding fees. Empowering both the FTC and state attorneys general to enforce these provisions would provide a powerful mechanism to safeguard American families struggling with debt.

H.R. 5967, Strategic Task Force on Scam Prevention Act

Fraud has reached epidemic proportions in the United States. According to the FTC, once underreporting is accounting for, Americans lost an estimated $195.9 billion to fraud in 2024 alone.[10] This bill would tackle the issue by creating a comprehensive, multi-agency task force including the FTC, Department of Justice, Department of Treasury, and others. This united front would develop a first-ever, comprehensive national strategy to address scams targeting everyday Americans.

Critically for NCL and our Fraud.org initiative, the Act mandates direct consultation with consumer advocacy groups, ensuring that national strategies are informed by the real-world experiences of victims. We note that the proposed framework directly aligns with several policy prescriptions outlined in the Aspen Institute's National Strategy to Prevent Scams, a landmark collaborative effort to which NCL was proud to contribute.[11]

IV. NCL Opposes Bills That Sanction Corporate Greenwashing and Undermine State-Level Safeguards

H.R. 6832, Packaging and Claims Knowledge (PACK) Act of 2025

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[10] Federal Trade Commission. (2025). *Protecting older adults: A report by the Federal Trade Commission* (p. 28). https://www.ftc.gov/system/files/ftc_gov/pdf/P144400-OlderAdultsReportDec2025.pdf

[11] Aspen Institute Financial Security Program. (2025). *United We Stand: A National Strategy to Prevent Scams*. https://static1.squarespace.com/static/6a3206bfa1a5e63efeb32c19/t/6a3a8d51e1ebbb0b625e6d87/1782222161132/FraudTFReport_Digital_Final%2B%282%29+%281%29.pdf

NCL is deeply concerned by the PACK Act, which would fundamentally undermine state-level consumer protection. If enacted, this statute would sweepingly supersede any state or local packaging and labeling laws that are not completely identical to the federal standard.

The bill fails to establish robust baselines to prevent deceptive representations of "recyclability." For example, California's landmark Truth in Labeling Law successfully instituted stringent standards for environmental marketing claims standards that NCL and other leading consumer organizations have urged the FTC to adopt nationwide. By flatly preempting consumer-first state measures without creating a strong federal equivalent, and by failing to grant state attorneys general enforcement, the PACK Act leaves consumers highly vulnerable to greenwashing.

H.R. 7502, Recycled Materials Attribution Act

This bill would structurally legitimize "mass balance accounting," a deceptive corporate accounting methodology that allows producers to base environmental and recyclability claims on the volume of recycled material introduced at the top of a supply chain rather than what is physically contained within an individual product.

Under this framework, a manufacturer could mix 30 tons of recycled plastic with 70 tons of virgin plastic and attribute a "30% recycled" claim to every single unit produced even if an individual bottle contains 0% recycled material.

Consumers do not purchase supply chains; we purchase individual units off the shelf. Labels must clearly convey the actual physical content of the unit in hand. Legitimizing mass balance accounting values corporate messaging convenience over consumer truth, generating widespread confusion and harm.

V. Conclusion

To truly modernize consumer protection, Congress must empower our premier regulatory and enforcement agencies including timely and appropriate responses to harmful court decisions. By passing comprehensive ticketing and debt settlement reforms, and by actively rejecting bills that dilute corporate accountability or preempt state authority, this subcommittee can send a clear signal that the rights, safety, and pocketbooks of American consumers come first.

Thank you, and I look forward to your questions.