

invaded it in 1950, but they have failed. Their attempts to quash this vibrant history have failed because of the resilience of the Tibetan people.

The U.S. strongly condemns all CCP oppression and coercion of Tibetans as well as any CCP involvement in the succession of the Dalai Lama. Despite the CCP's attempts to erase the history and culture of Tibet over the last 70-plus years, it still remains vibrant, strong, and inspirational.

Tibetans, like all people, have the right to religious freedom which includes freedom from CCP's surveillance, censorship, and detention.

If the CCP truly does respect sovereignty, as it claims to, then they will engage in peaceful dialogue with the Tibetans to resolve this conflict, not force Tibet to accept a CCP proposal.

Passing this bill demonstrates America's resolve that the CCP's status quo in Tibet is not acceptable. I can think of no greater message or gift to the Dalai Lama and the people of Tibet than the swift passage of this bill to get to the President's desk as soon possible to help put the people of Tibet in charge of their own future.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. McCAUL) that the House suspend the rules and pass the bill, S. 138.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. McCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1715

NO HIDDEN FEES ON EXTRA EXPENSES FOR STAYS ACT OF 2023

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6543) to prohibit unfair and deceptive advertising of prices for hotel rooms and other places of short-term lodging, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Hidden Fees on Extra Expenses for Stays Act of 2023” or the “No Hidden FEES Act of 2023”.

SEC. 2. PROHIBITION ON UNFAIR AND DECEPTIVE ADVERTISING OF HOTEL ROOM AND OTHER SHORT-TERM LODGING PRICES.

(a) IN GENERAL.—A covered provider may not advertise, display, market, or otherwise offer for sale in interstate commerce, including through a direct offering, third-party distribution, or metasearch referral, a price of a reservation for a place of short-term lodging that does not include each mandatory fee.

(b) EXCLUSION.—Subsection (a) does not prohibit a covered provider from displaying any individual component, including any fee or tax, that is part of the total price, if such total price is clearly and conspicuously disclosed to the consumer.

SEC. 3. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2(a) shall 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)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall enforce section 2(a) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any covered provider who violates section 2(a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) AUTHORITY PRESERVED.—Nothing in this Act may be construed to limit the authority of the Commission under any other provision of law.

(b) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—If the attorney general of a State, or an official or agency of a State, has 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 section 2(a), the State may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF COMMISSION.—

(A) NOTICE TO COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), an attorney general, official, or agency of a State, before initiating a civil action under paragraph (1), shall provide written notification to the Commission that the attorney general, official, or agency intends to bring such civil action.

(ii) CONTENTS.—The notification required under clause (i) shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for an attorney general, official, or agency of a State to provide the notification required under clause (i) before initiating a civil action under paragraph (1), the attorney general, official, or agency shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY COMMISSION.—The Commission may—

(i) intervene in any civil action brought by an attorney general, official, or agency of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) appeal a decision in the civil action.

(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or the Attorney General of the United States has instituted a civil action for violation of section 2(a) (referred to in this subparagraph as the “Federal action”), no State attorney general, official, or agency may bring an action under paragraph (1) during the pendency of the Federal action against any defendant named in the complaint in the Federal action for any violation of such section alleged in such complaint.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent an attorney general, official, or agency of a

State from exercising the powers conferred on the attorney general, official, or agency by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

SEC. 4. ONE NATIONAL STANDARD.

(a) IN GENERAL.—A State, or political subdivision of a State, may not maintain, enforce, prescribe, or continue in effect any law, rule, regulation, requirement, standard, or other provision having the force and effect of law of the State, or political subdivision of the State, that prohibits a covered provider from advertising, displaying, marketing, or otherwise offering, or otherwise affects the manner in which a covered provider may advertise, display, market, or otherwise offer, for sale in interstate commerce, including through a direct offering, third-party distribution, or metasearch referral, a price of a reservation for a place of short-term lodging that does not include each mandatory fee.

(b) RULE OF CONSTRUCTION.—This section may not be construed to—

(1) preempt any law of a State or political subdivision of a State relating to contracts or torts; or

(2) preempt any law of a State or political subdivision of a State to the extent that such law relates to an act of fraud, unauthorized access to personal information, or notification of unauthorized access to personal information.

SEC. 5. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) CORPORATE, GOVERNMENT, OR INSTITUTIONAL TRAVEL MANAGEMENT PROGRAM.—The term “corporate, government, or institutional travel management program” means—

(A) a program used by a company, government entity, or not-for-profit institution for the travel of the officers, directors, or employees of such company, government entity, or not-for-profit institution; or

(B) a program purchased by a company, government entity, or not-for-profit institution and used for the travel of the officers, directors, or employees of such company, government entity, or not-for-profit institution.

(3) COVERED PROVIDER.—

(A) IN GENERAL.—The term “covered provider” means a provider of a place of short-term lodging, a provider of an internet website or other centralized platform, or any other entity who advertises, displays, markets, or otherwise offers a price of a reservation for a place of short-term lodging.

(B) EXCLUSION.—The term “covered provider” does not include any entity who advertises, displays, markets, or otherwise offers a price of a reservation for a place of short-term lodging for purchase pursuant to a corporate, government, or institutional travel management program.

(4) MANDATORY FEE.—The term “mandatory fee”—

(A) means each mandatory fee required to complete the booking or stay that is assessed by the covered provider and paid directly by the consumer; and

(B) does not include any tax or fee imposed on the consumer by a governmental or quasi-governmental entity or assessment fees of a government-created special district or program.

(5) PLACE OF SHORT-TERM LODGING.—The term “place of short-term lodging” means a hotel, motel, inn, short-term rental, or other place of lodging that advertises at a price that is a nightly, hourly, or weekly rate.

(6) STATE.—The term “State” means each of the several States, the District of Columbia, and each territory or possession of the United States.

SEC. 6. APPLICATION TO PRIOR BOOKINGS.

Section 2(a) shall apply only to a reservation for a place of short-term lodging made on or after the effective date of this Act.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 6543, the No Hidden FEES Act, and urge my colleagues to join me in voting “yes” on this piece of legislation.

After spending their hard-earned money on a vacation for their family, Americans don't need to be hit with unexpected fees added to their hotel room bookings, which happens all the time. These resort fees often confuse and deceive consumers, which is why the House needs to pass this bill sponsored by my good friend and colleague, Representative YOUNG KIM.

H.R. 6543 will protect consumers from unfair and deceptive advertising of prices for hotel rooms and other places for short-term lodging. Last month, we passed similar legislation for live event ticketing when we overwhelmingly passed the TICKET Act, which was my bill, bringing price transparency to the market.

Representative KIM's bill will take this commonsense approach in the lodging space. Such price transparency is needed for consumers so they know how much they will be paying for lodging upfront, and this is exactly what H.R. 6543 does.

I thank the stakeholders for working with us on this initiative to ensure that consumers know exactly the price they are going to pay upfront. I applaud Representative KIM, as well as my fellow Floridian, Representative CASTOR, for introducing this important piece of legislation, and I strongly urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of H.R. 6543, the No Hidden FEES Act.

Far too often, when consumers go to check out of their hotel rooms, they are hit with surprise fees. Hotels and online travel agencies have many names for these types of fees, such as resort fees, amenities fees, facilities fees, to name just a few. Regardless of what they are called, surprise fees that consumers do not expect make it impossible to comparison shop and impose undue burdens on household finances.

That is why I am proud that President Biden and House Democrats are working to prevent junk fees like these. H.R. 6543, the No Hidden FEES Act, is a bipartisan bill that will ensure that companies make available all mandatory fee information when they advertise a hotel room or other place of short-term lodging.

The bill would also require hotels and other providers of short-term lodging to provide the total cost of a room to any internet website or other third party that the provider has allowed to advertise, market, display, or otherwise offer the short-term lodging for sale.

By ensuring everyone in the short-term lodging ecosystem displays the full price of a stay, we will protect consumers from being caught paying extra when they go to check out. I commend my colleagues on the Energy and Commerce Committee, Representative CASTOR and Representative KIM, for their leadership on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. KIM), a great Member of Congress.

Mrs. KIM of California. Mr. Speaker, I thank Representative BILIRAKIS for yielding.

Mr. Speaker, I rise in support of my legislation, H.R. 6543, the No Hidden Fees on Extra Expenses for Stays Act, or No Hidden FEES Act.

Hidden fees on short-term lodging stays, such as hotels, inns, and resorts, make budgeting for a trip much harder for families who are already struggling from persistent inflation and rising living costs.

Customers often find themselves paying more for their overnight stay than what was advertised online. These unexpected, deceptive fees hurt families' bottom lines.

According to a 2023 Consumer Reports survey, 37 percent of Americans found themselves paying an extra hidden fee, with more than half expressing that this additional cost took them over budget. The No Hidden FEES Act requires hotels, motels, and travel and lodging sites to disclose upfront the full cost of a short-term stay, including all mandatory and resort fees.

Currently, the way prices are advertised across the lodging industry is fragmented and not uniform. My bill would require all stakeholders in the lodging and booking industries and third-party distributors to clearly dis-

play the final price. This provides clarity for consumers and improves the quality of the American hospitality and tourism industries.

I thank Chairwoman RODGERS from the Energy and Commerce Committee for her leadership and the rest of the House Energy and Commerce staff for their tireless work on this bipartisan and commonsense legislation.

I thank Representative CASTOR for making this a bipartisan bill.

I also thank all the outside stakeholders and consumer advocacy groups who worked with us on this pro-consumer initiative.

Mr. Speaker, I am proud to lead this commonsense bill and urge my colleagues to vote in support of it.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. CASTOR), who is the ranking member of our Oversight and Investigations Subcommittee and the Democratic sponsor of the bill.

Ms. CASTOR of Florida. Mr. Speaker, I thank Ranking Member PALLONE for yielding the time.

Mr. Speaker, I rise in strong support of the No Hidden FEES Act, H.R. 6543, and I thank my partner, the gentlewoman of California (Mrs. KIM), for leading the effort here.

Mr. Speaker, the No Hidden FEES Act would outlaw junk fees in hotel lodging. It would outlaw that unfair and misleading price advertising, whether it is motels or short-term rentals, or privately owned vacation rentals. It will require an accurate price listing that has to include all fees.

Mr. Speaker, I think all too often a family goes online when they are planning their vacation to the Gulf beaches of The Sunshine State for a lovely vacation, or anywhere across the country, too often, as they search online and try to do comparison shopping, not all of the fees are displayed. Mr. Speaker, Mr. BILIRAKIS would probably agree.

That is not fair because oftentimes, at the end their vacation, consumers will go to check out of their hotel or wherever they are staying, and they will tack on these extra fees. It is not fair. It is not right.

That is why we want to tackle this industrywide to make sure that there is a level playing field for all families ready to take their vacation and use their hard-earned dollars to do it.

These hidden fees also stifle competition because one thing consumers want when they are comparison shopping is that level playing field. They want all the information at their fingertips. This would provide those ground rules across everywhere. In many cases, the platforms are hiding these fees. That is why this legislation is so important.

Mr. Speaker, I include in the RECORD the support letters from the American Hotel and Lodging Association, the Florida Restaurant and Lodging Association, and a statement from Airbnb.

AMERICAN HOTEL &
LODGING ASSOCIATION,
December 4, 2023.

Hon. CATHY McMORRIS RODGERS,
*Chair, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*
Hon. FRANK PALLONE JR.,
*Ranking Member, Committee on Energy and
Commerce, House of Representatives, Wash-
ington, DC.*

DEAR CHAIR McMORRIS RODGERS AND RANK-
ING MEMBER PALLONE: On behalf of the
American Hotel and Lodging Association
(AHLA), and the undersigned organizations,
we are writing to express our support for the
passage of Congresswoman YOUNG KIM's (CA-
40) and Congresswoman KATHY CASTOR's (FL-
14) legislation, the No Hidden Fees on Extra
Expenses for Stays Act (H.R. 6543).

AHLA is the singular voice representing
every segment of the hotel industry includ-
ing major chains, independent hotels, man-
agement companies, REITs, bed and break-
fasts, industry partners, and more. The in-
dustry is made up of more than 62,000 hotels,
33,000 of which are small businesses, com-
prising 5.6 million rooms across the United
States. These hotels generate more than \$300
billion in sales every year and support more
than 8.3 million jobs. Hotels are integral con-
tributors to communities across the country
and annually generate nearly \$75 billion in
tax revenue at the federal, state, and local
levels.

We, along with the undersigned organiza-
tions, are extremely grateful to Representa-
tives KIM and CASTOR for recognizing the
need for consistent and broadly applicable
mandatory fee disclosure and display re-
quirements across the *entire* lodging booking
and advertising ecosystem. This bill would
create a national standard for display of
lodging prices and require that any manda-
tory fees be included in prices wherever they
are advertised, distributed, and sold. As writ-
ten, this bill would also ensure compliance
throughout the complex lodging distribution
ecosystem.

While hotels disclose mandatory additional
fees to consumers in accordance with exist-
ing FTC guidance now, it is critical that any
updated display requirements apply across
the competitive lodging advertising and
booking landscape. Recently, many of the
largest hotel chains that AHLA represents
have implemented, or announced plans to
imminently implement, changes to ensure
that mandatory fees are displayed upfront in
the pricing consumers are offered through
their owned channels.

Critically, as consumers shop for and book
lodging through a wide variety of channels
and providers, this proposed legislation
would apply to third-party distributors, such
as online travel agencies (e.g., Expedia),
metasearch sites and search engines (e.g.,
Google), as well as short-term rental plat-
forms (e.g., Airbnb). Any regulation man-
dating fee display and disclosure must be
consistently applied to *all* accommodation
providers, advertisers, and broader industry
participants to ensure consumers see the
same information, in a consistent manner,
anywhere they shop. A level competitive
playing field for industry participants paired
with clear and consistent display for con-
sumers is of paramount importance and we
believe this legislation achieves those goals.

We thank Representatives KIM and CASTOR
for introducing this legislation and working
together in a bipartisan fashion to craft a
strong bill that will ensure compliance
across the industry. We ask that the com-
mittee report it favorably and as written.

We look forward to working with you and
your colleagues to support America's hotel

and lodging industry, employees, guests, and
local communities.

Sincerely,

American Hotel and Lodging Association,
California Hotel and Lodging Association,
Florida Restaurant and Lodging Association,
The Broadmoor, BWI Hotels, Choice Hotels
International, Hilton, Host Hotels & Resorts,
Hyatt, IHG Hotels & Resorts, Loews Hotels &
Co., Marriott International, MGM Resorts,
Omni Hotels & Resorts, Park Hotels & Re-
sorts, Pebblebrook Hotel Trust, Sea Island
Resort, Wyndham Hotels & Resorts, Inc.

FLORIDA RESTAURANT &
LODGING ASSOCIATION,
Tallahassee, FL, December 4, 2023.

Hon. KATHY CASTOR,
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE CASTOR: On behalf
of the Florida Restaurant and Lodging Asso-
ciation (FRLA), I am writing to express our
support for your legislation, the No Hidden
Fees on Extra Expenses for Stays Act (H.R.
6543), and our gratitude for your leadership
on this issue.

The Florida Restaurant and Lodging Asso-
ciation (FRLA) is Florida's premier non-
profit hospitality industry trade association.
Founded in 1946 as the Florida Restaurant
Association, FRLA merged with the Florida
Hotel and Motel Association in 2006. FRLA's
more than 10,000 members include inde-
pendent hoteliers and restaurateurs, house-
hold name franchises, theme parks and sup-
pliers. The association's mission is to pro-
tect, educate and promote Florida's nearly
\$112 billion hospitality industry, which rep-
resents 1.3 million employees. Dedicated to
safeguarding the needs of the membership,
FRLA provides legislative advocacy to en-
sure the voices of its members are heard and
their interests are protected.

FRLA is extremely grateful for your work
in recognizing the need for consistent and
broadly applicable mandatory fee disclosure
and display requirements across the entire
lodging booking and advertising ecosystem.
This bill would create a national standard
for the display of lodging prices, and it would
require that any mandatory fees be included
in prices wherever lodging is advertised, dis-
tributed, and sold. As written, this bill would
also ensure compliance throughout the com-
plex and fragmented lodging distribution
ecosystem.

While hotels currently disclose mandatory
additional fees to consumers in accordance
with existing FTC guidance, it is critical
that any updated display requirements apply
across the competitive lodging advertising
and booking landscape. Recently, many of
the largest hotel chains that include FRLA
members—including Marriott International,
Hilton, Choice Hotels International, Omni
Hotels & Resorts, and Hyatt—have imple-
mented, or announced plans to soon imple-
ment, changes to ensure that mandatory fees
are clearly displayed at the outset in the
pricing consumers are offered through their
owned channels.

Critically, as consumers shop for and book
lodging through a wide variety of channels
and providers, this proposed legislation
would apply to third-party distributors, such
as online travel agencies (e.g., Expedia),
metasearch sites and search engines (e.g.,
Google), as well as short-term rental plat-
forms (e.g., Airbnb). Any regulation man-
dating fee display and disclosure must be
consistently applied to all accommodation
providers, advertisers, and broader industry
participants to ensure consumers see the
same information, in a consistent manner,
everywhere they shop. A level competitive
playing field for industry participants paired
with clear and consistent display for con-

sumers is critical, and we believe this draft-
ed legislation achieves those goals.

We thank you for introducing this legisla-
tion and working together with Representa-
tive Kim in a bipartisan fashion to craft a
strong bill that will ensure compliance
across the industry.

We look forward to working with you and
your colleagues to support Florida's hotel
and lodging industry, employees, guests, and
local communities.

Sincerely,

CAROL B. DOVER, FMP,
*President & CEO,
Florida Restaurant and Lodging Association.*

SUPPORT FOR FEDERAL PRICE TRANSPARENCY LEGISLATION

Airbnb today announced support for the No
Hidden Fees on Extra Expenses for Stays (No
Hidden FEES) Act of 2023 (H.R. 6543) intro-
duced by U.S. Representatives YOUNG KIM
(CA-40) and KATHY CASTOR (FL-14). The bill
would create a national standard for price
transparency across the accommodation in-
dustry, including short-term rentals and ho-
tels.

"Last year, Airbnb launched total price
display to make it easier for guests to find
stays that fit their budget, and help our
Hosts set competitive prices. We believe giv-
ing guests the ability to see a fee-inclusive
price when they search makes for a better
experience, and that's why we are proud to
support the No Hidden Fees Act to create a
national industry-wide standard for price
transparency at a time when affordability is
top of mind for consumers. We applaud Rep-
resentatives KIM and CASTOR for their work
on this legislation and we look forward to
helping raise support for its passage," said
Theo Yedinsky, Airbnb's Global Policy Di-
rector.

Last December, Airbnb launched the op-
tion to display total pricing in the US and
other countries without existing price dis-
play requirements. US guests can now view
total pricing with fees, before taxes, across
the entire app. Since we launched the tool,
over 8 million guests have booked travel on
Airbnb using total price display.

In June, Airbnb's Chief Financial Officer
Dave Stephenson joined President Joe Biden
for a meeting at the White House to high-
light private sector companies that have
launched price display improvements for
consumers.

Ms. CASTOR of Florida. Mr. Speaker,
let me read what they say.

American Hotel and Lodging Associa-
tion says: "While hotels disclose man-
datory additional fees to consumers in
accordance with existing FTC guidance
now, it is critical that any updated dis-
play requirements apply across the
competitive lodging advertising and
booking landscape. Recently, many of
the largest hotel chains . . . have im-
plemented, or announced plans to im-
minently implement, changes to en-
sure that mandatory fees are displayed
upfront in the pricing consumers are
offered through their owned channels.

"Critically, as consumers shop for
and book lodging through a wide variety
of channels and providers, this pro-
posed legislation would apply to third-
party distributors, such as online travel
agencies . . . metasearch sites and
search engines . . . as well as short-
term rental platforms. . . . Any regula-
tion mandating fee display and disclo-
sure must be consistently applied to all

accommodation providers, advertisers, and broader industry participants to ensure consumers see the same information, in a consistent manner, anywhere they shop."

Airbnb weighs in and says that they agree: "We believe giving guests the ability to see a fee-inclusive price when they search makes for a better experience, and that's why we are proud to support the No Hidden FEES Act to create a national industrywide standard for price transparency at a time when affordability is top of mind for consumers."

I also thank my Energy and Commerce colleagues for passing this bipartisan bill out of the committee in a unanimous fashion and urge the House to also pass this unanimously. Let's get this relief to consumers so that, when they shop for their vacation, they understand exactly what they are getting.

Mr. BILIRAKIS. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, in closing, I urge all my colleagues to support this bipartisan bill. It is important that we get at junk fees, and this is one of those bills that comes out of our committee that will accomplish that goal.

Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, in closing, I thank the chairman of the full committee and the ranking member of the full committee and, of course, the ranking member of the subcommittee, which I chair. This is a great common-sense bill. It is all about transparency. I encourage final passage, and let's get it to the Senate as soon as possible.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 6543.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1730

WASTEWATER INFRASTRUCTURE POLLUTION PREVENTION AND ENVIRONMENTAL SAFETY ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2964) to require the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wastewater Infrastructure Pollution Prevention and Environmental Safety Act" or the "WIPES Act".

SEC. 2. "DO NOT FLUSH" LABELING.

(a) IN GENERAL.—A covered entity shall label a covered product clearly and conspicuously with the label notice and symbol, in accordance with subsections (b) and (c).

(b) REQUIREMENTS.—

(1) CYLINDRICAL PACKAGING.—In the case of a covered product sold in cylindrical or near-cylindrical packaging, and intended to dispense individual wipes—

(A) the symbol and label notice shall be displayed on the principal display panel in a clear and conspicuous location reasonably visible to the user each time a wipe is dispensed; or

(B) the symbol shall be displayed on the principal display panel and the label notice, or a combination of the label notice and symbol, shall be displayed on a flip lid in a manner that covers at least 8 percent of the surface area of the flip lid.

(2) FLEXIBLE FILM PACKAGING.—In the case of a covered product sold in flexible film packaging, and intended to dispense individual wipes—

(A) the symbol shall be displayed on the principal display panel and, if the principal display panel is not on the dispensing side of the packaging, on the dispensing side panel; and

(B) the label notice shall be displayed on either the principal display panel or the dispensing side panel, in a clear and conspicuous location reasonably visible to the user each time a wipe is dispensed.

(3) RIGID PACKAGING.—In the case of a covered product sold in a refillable tub or other rigid packaging that may be reused by a customer, and that is intended to dispense individual wipes, the symbol and label notice shall be displayed on the principal display panel in a clear and conspicuous location reasonably visible to the user each time a wipe is dispensed.

(4) PACKAGING NOT INTENDED TO DISPENSE INDIVIDUAL WIPES.—In the case of a covered product sold in packaging that is not intended to dispense individual wipes, the symbol and label notice shall be displayed on the principal display panel in a clear and conspicuous location reasonably visible to the user of the covered product.

(5) BULK PACKAGING.—

(A) IN GENERAL.—In the case of a covered product sold in bulk at retail, the symbol and label notice shall be displayed on both the outer packaging visible at retail and the individual packaging contained within the outer packaging.

(B) EXEMPTION.—The following shall be exempt from the requirements of subparagraph (A):

(i) Individually packaged covered products that are contained within outer packaging, are not intended to dispense individual wipes, and have no retail labeling.

(ii) Outer packaging that does not obscure the symbol and label notice on individually packaged covered products contained within.

(6) PACKAGING OF COMBINED PRODUCTS.—

(A) OUTER PACKAGING.—The outer packaging of combined products shall be exempt from the symbol and label notice requirements of subsection (a).

(B) PACKAGES LESS THAN 3 BY 3 INCHES.—In the case of a covered product in packaging smaller than 3 inches by 3 inches (such as an individually packaged wipe in tear-top packaging) and sold as part of a combined product, if a symbol and label notice are placed in a prominent location reasonably visible to the user of

the covered product, such covered product shall be considered to be labeled clearly and conspicuously.

(c) REASONABLE VISIBILITY OF SYMBOL AND LABEL NOTICE.—

(1) IN GENERAL.—A covered entity shall ensure that—

(A) packaging seams or folds or other packaging design elements do not obscure the symbol or label notice;

(B) the symbol and label notice are each equal in size to at least 2 percent of the surface area of the principal display panel; and

(C) the symbol and label notice have high contrast with the immediate background of the packaging so that such symbol and label notice may be seen and read by an ordinary individual under customary conditions of purchase and use.

(2) PROXIMITY OF SYMBOL AND LABEL NOTICE.—A covered entity may display a symbol and label notice either adjacent to or on separate areas of the principal display panel.

(3) EXCEPTION.—Paragraph (1)(C) does not apply to an embossed symbol or label notice on the flip lid of a covered product sold in cylindrical or near-cylindrical packaging.

(d) REPRESENTATIONS OF FLUSHABILITY.—With respect to a covered product, a covered entity may not make any express or implied representation that such covered product can or should be flushed.

(e) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or any regulation promulgated under this section shall 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)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall enforce this section and any regulations promulgated under this section by the same means, and with the same jurisdiction, powers, and duties, as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section, and any person who violates this section or any regulation promulgated under this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, to implement this section. In developing the regulations, the Commission may consult with the Administrator of the Environmental Protection Agency, the Commissioner of Food and Drugs, the Consumer Product Safety Commission, or any other agency as appropriate.

(4) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(f) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may directly or indirectly establish or continue in effect, under any authority, requirements with respect to the "Do Not Flush" labeling of covered products that are not identical to the requirements of this section and the regulations promulgated under this section.

(g) DEFINITIONS.—In this section:

(1) COMBINED PRODUCT.—The term "combined product" means two or more products sold in shared retail packaging, of which—

(A) at least one of the products is a covered product; and

(B) at least one of the products is another consumer product intended to be used in combination with such covered product.

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) COVERED ENTITY.—The term "covered entity" means a manufacturer, wholesaler, supplier,