

WASTEWATER INFRASTRUCTURE POLLUTION
 PREVENTION AND ENVIRONMENTAL SAFETY ACT

APRIL 5, 2024.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and
 Commerce, submitted the following

R E P O R T

[To accompany H.R. 2964]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred
 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, having considered the same, re-
 ports favorably thereon with amendments and recommends that
 the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	4
Background and Need for Legislation	4
Committee Action	5
Committee Votes	5
Oversight Findings and Recommendations	7
New Budget Authority, Entitlement Authority, and Tax Expenditures	7
Congressional Budget Office Estimate	7
Federal Mandates Statement	12
Statement of General Performance Goals and Objectives	12
Duplication of Federal Programs	12
Related Committee and Subcommittee Hearings	12
Committee Cost Estimate	12
Earmark, Limited Tax Benefits, and Limited Tariff Benefits	12
Advisory Committee Statement	12
Applicability to Legislative Branch	13
Section-by-Section Analysis of the Legislation	13
Changes in Existing Law Made by the Bill, as Reported	13

The amendments are as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wastewater Infrastructure Pollution Prevention and Environmental Safety Act” or the “WIPPES 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, individual or group of individuals, or retailer that is responsible for the labeling or retail packaging of a covered product that is sold or offered for retail sale in the United States.

(4) COVERED PRODUCT.—

(A) IN GENERAL.—The term “covered product” means a premoistened, nonwoven disposable wipe sold or offered for retail sale—

(i) that is marketed as a baby wipe or diapering wipe; or

(ii) that is a household or personal care wipe (including a wipe described in subparagraph (B)) that—

(I) is composed entirely, or in part, of petrochemical-derived fibers; and

(II) has significant potential to be flushed.

(B) INCLUSIONS.—The wipes described in this subparagraph are—

(i) antibacterial wipes and disinfecting wipes;

(ii) wipes intended for general purpose cleaning or bathroom cleaning, including toilet cleaning and hard surface cleaning; and

(iii) wipes intended for personal care use on the body, including hand sanitizing, makeup removal, feminine hygiene, adult hygiene (including incontinence hygiene), and body cleansing.

(5) HIGH CONTRAST.—The term “high contrast” means, with respect to the symbol or label notice, that such symbol or label notice—

(A) is either light on a solid dark background or dark on a solid light background; and

(B) has a contrast percentage of at least 70 percent between such symbol or label notice and the background, using the formula $(B1 - B2) / B1 * 100$

= contrast percentage, where B1 is the light reflectance value of the lighter area and B2 is the light reflectance value of the darker area.

(6) LABEL NOTICE.—The term “label notice” means the written phrase “Do Not Flush”.

(7) PRINCIPAL DISPLAY PANEL.—The term “principal display panel” means the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale, and—

(A) in the case of a cylindrical or near-cylindrical package, the surface area of which constitutes at least 40 percent of the product package, as measured by multiplying the height by the circumference of the package; or

(B) in the case of a flexible film package in which a rectangular prism or near-rectangular prism stack of wipes is housed within the film, the surface area of which is measured by multiplying the length by the width of the side of the package when the flexible packaging film is pressed flat against the stack of wipes on all sides of the stack.

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

(9) SYMBOL.—The term “symbol” means the “Do Not Flush” symbol, as depicted in the most recent edition of the Guidelines for Assessing the Flushability of Disposable Nonwoven Products published by the Association of the Nonwoven Fabrics Industry (INDA) and the European Disposables And Nonwovens Association (EDANA), or an otherwise equivalent symbol adopted by the Commission through rulemaking under this section.

(h) EFFECTIVE DATE.—This section shall apply to a covered entity beginning on the date that is 1 year after the date of the enactment of this Act.

Amend the title so as to read:

A bill to require certain products to be labeled with “Do Not Flush” labeling, and for other purposes.

PURPOSE AND SUMMARY

H.R. 2964, the “Wastewater Infrastructure Pollution Prevention and Environmental Safety Act” was introduced by Representative McClain on April 27, 2023. H.R. 2964 was referred to the Committee on Energy and Commerce. H.R. 2964 requires covered entities to label covered products clearly and conspicuously with “Do Not Flush” labels and symbols.

BACKGROUND AND NEED FOR LEGISLATION

Wastewater treatment systems have been increasingly impacted by clogs and fatbergs resulting from the flushing of non-flushable wipes. In a 2019 study, the National Association of Clean Water Agencies (NACWA) estimated that wipes result in approximately \$441 million in additional yearly operating costs at U.S. clean water utilities.¹ According to NACWA, just in the state of California, flushed wipes have cost utilities \$47 million in additional annual operating costs.² Similar trends can be seen across the United States, prompting some state legislators to offer legislation to address the clogged drains and expensive repairs associated with the improper disposal of non-flushable wipe.³

Organizations have used a combination of outreach and surveys to probe and increase consumer’s understanding of appropriate wipe-flushing practices. For example, in April 2023, the Respon-

¹Nat’l Assoc of Clean Water Agencies, *The Cost of Wipes on America’s Clean Water Utilities*, (Sept. 2020) https://www.nacwa.org/docs/default-source/resources---public/govaff-3-cost_of_wipes-1.pdf.

²*Id.*

³Sophie Nieto-Munoz, *Senator waters down plan to ban non-flushable wipes*, *New Jersey Monitor* (May 12, 2023), <https://newjerseymonitor.com/briefs/senators-plan-to-ban-non-flushable-wipes-to-be-watered-down/>.

sible Flushing Alliance (RFA) released survey data of California consumers measuring their general awareness of the “Do Not Flush” symbol. Surprisingly, though most respondents believed that they were somewhat knowledgeable about what can be flushed, a notable portion of respondents falsely believed that some non-flushable products are flushable.⁴ In an attempt to address this consumer uncertainty, some wastewater treatment companies have issued notices to residents to educate them on what products can and cannot be flushed down the toilet.⁵

Based on the available data, there is an apparent disconnect between consumers’ understanding of whether certain wipes products are flushable, and the information directed towards wipes consumers. To address the ongoing infrastructure and environmental issues caused by the misinformed flushing of non-flushable wipes, consumers must be clearly notified when a wipe is non-flushable. The requirements posed by H.R. 2964 would ensure that wipe manufacturers, and other covered entities, clearly and conspicuously label and notice non-flushable wipes accordingly. By enacting a uniform, national policy to ensure wipe manufacturers, or other covered entities, appropriately label the packaging of their wipe products with “Do Not Flush” notices and symbols, consumers will be better equipped to help prevent the damaging consequences that lead to costly breakdowns and backups in American wastewater systems associated with flushing non-flushable wipes.

COMMITTEE ACTION

On September 27, 2023, the Subcommittee on Innovation, Data, and Commerce held a hearing on H.R. 2964. The title of the hearing was “Proposals to Enhance Product Safety and Transparency for Americans.” The Subcommittee received testimony from:

- Kathleen Callahan, Owner, Xpertech Auto Repair;
- Scott Benavidez, Chairman, Automotive Service Association;
- Steven Michael Gentine, Counsel, Arnold & Porter, LLP;
- John Breyault, Vice President of Public Policy, Telecommunications and Fraud, National Consumers League; and,
- David Touhey, Principal, Connett Consulting, appearing on behalf of International Association of Venue Managers.

On November 2, 2023, the Subcommittee on Innovation, Data, and Commerce met in open markup session and forwarded H.R. 2964, without amendment, to the full Committee by a voice vote.

On December 5 and 6, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 2964, as amended, favorably reported to the House by a record vote of 42 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

⁴*New Survey Finds Consumers Still Disposing Non-Flushable Items Down the Toilet, Sparking Increase in Consumer Education Efforts*, PR Newswire (April 5, 2023), <https://finance.yahoo.com/news/survey-finds-consumers-still-disposing-100000634.html>.

⁵*Non-flushable items cause problems at wastewater treatment plants*, JC Post (December 29, 2023), <https://jcpost.com/posts/4dee80fd-f852-4891-9419-8d2a7f24bb5b>.

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 22**

BILL: H.R. 2964, Wastewater Infrastructure Pollution Prevention and Environmental Safety (WIPES) Act

AMENDMENT: A motion by Mrs. Rodgers to order H.R. 2964 favorably reported to the House, as amended (Final Passage).

DISPOSITION: AGREED TO, by a roll call vote of 42 yeas and 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess	X			Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette			
Rep. Guthrie	X			Rep. Schakowsky	X		
Rep. Griffith	X			Rep. Matsui			
Rep. Bilirakis	X			Rep. Castor	X		
Rep. Johnson	X			Rep. Sarbanes	X		
Rep. Bucshon	X			Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke	X		
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter	X			Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters	X		
Rep. Palmer	X			Rep. Dingell			
Rep. Dunn				Rep. Veasey	X		
Rep. Curtis				Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly	X		
Rep. Pence	X			Rep. Barragán	X		
Rep. Crenshaw				Rep. Blunt Rochester	X		
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong				Rep. Craig			
Rep. Weber	X			Rep. Schrier	X		
Rep. Allen	X			Rep. Trahan	X		
Rep. Balderson	X			Rep. Fletcher			
Rep. Fulcher							
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

12/06/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 2964 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

At a Glance

Energy and Commerce Legislation

As ordered reported by the House Committee on Energy and Commerce on December 6, 2023

On December 6, 2023, the House Committee on Energy and Commerce ordered reported 41 bills. This single, comprehensive document provides estimates for 7 of those bills.

- All of the bills would increase spending subject to appropriation.
- H.R. 2964, H.R. 3950, H.R. 6125, and H.R. 6543 would each increase revenues by an insignificant amount; thus, pay-as-you-go procedures apply to those bills. None of the bills would affect direct spending.
- None of the bills would increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2034.
- H.R. 2964, H.R. 3950, H.R. 6125, and H.R. 6543 would impose intergovernmental or private-sector mandates.

Details of the estimated costs of each bill are discussed in the text.

Bill	Net Increase or Decrease (–) in the Deficit Over the 2024–2034 Period (Millions of Dollars)	Changes in Spending Subject to Appropriation Over the 2024–2029 Period (Outlays, Millions of Dollars)	Mandate Effects?
H.R. 2964	*	4	Yes
H.R. 3950	*	4	Yes
H.R. 5146	0	2	No
H.R. 5390	0	1	No
H.R. 5398	0	2	No
H.R. 6125	*	4	Yes
H.R. 6543	*	4	Yes

* = between –\$500,000 and zero.

Summary of legislation: On December 6, 2023, the House Committee on Energy and Commerce ordered reported 41 bills. This document provides estimates for 7 of those bills.

The bills would require the Federal Trade Commission (FTC) to enforce new prohibitions and requirements or would direct the Department of Commerce to study various issues and report to the Congress.

Estimated Federal cost: The bills' costs fall within budget function 370 (commerce and housing credit).

Basis of estimate: For this estimate, CBO assumes that the bills will be enacted near the middle of fiscal year 2024. The estimated costs do not include any interaction effects among the bills. If all seven bills were combined and enacted as a single piece of legislation, the estimated costs would be different from the sum of the separate estimates, although CBO expects that any difference would be small.

CBO estimates that implementing each of the seven bills would cost between \$1 million and \$4 million over the 2024–2029 period; that spending would be subject to the availability of appropriated funds.

Four bills—H.R. 2964, H.R. 3950, H.R. 6125, and H.R. 6543—would each increase revenues by an insignificant amount. Entities that fail to meet each of those bills’ new requirements could face civil penalties, which are recorded in the federal budget as revenues. To some extent, collection of any civil fines would depend on the amount of appropriations provided by future appropriation acts to pay for enforcement. In addition, whether the FTC would pursue civil penalties or some other remedy for violations is unclear. In any event, CBO expects that companies would generally comply with the new requirements and that any additional revenues collected over the 2024–2034 period would be insignificant for each bill.

H.R. 2964, WIPPES Act: The bill would require manufacturers and suppliers of disposable wipes to clearly mark their products with a “do not flush” label and symbol. The FTC would enforce those requirements.

Based on the cost of similar provisions, CBO estimates that implementing H.R. 2964 would cost the FTC \$4 million to issue guidance and to monitor and enforce violations. In addition, CBO estimates that enacting the bill could increase civil penalty collections, which are recorded in the federal budget as revenues, by an insignificant amount.

H.R. 3950, TICKET Act: The bill would require companies that issue tickets or that sell tickets on the secondary market to clearly display the total price of any ticket, including itemizing any fees not included in the base ticket price. That requirement would apply to live events at venues with an attendance capacity of 200 people or more. The FTC would enforce those requirements.

Based on the cost of similar provisions, CBO estimates that implementing H.R. 3950 would cost the FTC \$4 million to issue guidance and to monitor and enforce violations. In addition, CBO estimates that enacting the bill could increase civil penalty collections, which are recorded in the federal budget as revenues, by an insignificant amount.

H.R. 5146, Advancing Gig Economy Act: The bill would require the Department of Commerce to study and report to the Congress within two years of enactment on how the gig economy affects U.S. businesses.

Based on the cost of similar studies, CBO estimates that implementing H.R. 5146 would cost \$2 million over two years for the work of four employees, at an annual cost of about \$220,000 each, along with purchases of data and survey contracts.

H.R. 5390, Critical Infrastructure Manufacturing Feasibility Act: The bill would require the Department of Commerce to study and

report to the Congress within one year of enactment on the feasibility of manufacturing in the United States products in critical infrastructure sectors that now are imported because of supply chain constraints.

Based on the cost of similar studies, CBO estimates that implementing H.R. 5390 would cost \$1 million for one year for the work of four employees, at a cost of about \$220,000 each, along with purchases of data and survey contracts.

H.R. 5398, Advancing Tech Startups Act: The bill would require the Department of Commerce to study and report to the Congress within two years of enactment on how technology startup companies affect the U.S. economy.

Based on the cost of similar studies, CBO estimates that implementing H.R. 5398 would cost \$2 million over two years for the work of four employees, at an annual cost of about \$220,000 each, along with purchases of data and survey contracts.

H.R. 6125, Online Dating Safety Act of 2023: The bill would require providers of online dating services to notify a user if they are contacted by a member whose account was suspended or terminated because of fraudulent activity. The FTC would enforce those requirements.

Based on the cost of similar provisions, CBO estimates that implementing H.R. 6125 would cost the FTC \$4 million to issue guidance and to monitor and enforce violations. In addition, CBO estimates that enacting the bill could increase civil penalty collections, which are recorded in the federal budget as revenues, by an insignificant amount.

H.R. 6543, No Hidden FEES Act of 2023: The bill would require providers of short-term lodging and websites that advertise or offer such lodging to display each mandatory fee required to complete a booking. The FTC would enforce those requirements.

Based on the cost of similar provisions, CBO estimates that implementing H.R. 6543 would cost the FTC \$4 million to issue guidance and to monitor and enforce violations. In addition, CBO estimates that enacting the bill could increase civil penalty collections, which are recorded in the federal budget as revenues, by an insignificant amount.

Pay-As-You-Go considerations: CBO estimates that enacting H.R. 2964, H.R. 3950, H.R. 6125, and H.R. 6543 would each increase revenues by less than \$500,000 over the 2024–2034 period; therefore, pay-as-you-go procedures apply to those bills.

Increase in long-term net direct spending and deficits: None of the bills would increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2035.

Mandates: The following bills—H.R. 2964, H.R. 3950, H.R. 6125, and H.R. 6543—would impose mandates as defined in the Unfunded Mandates Reform Act (UMRA).

H.R. 2964, WIPPES Act: The bill would impose intergovernmental and private-sector mandates, but CBO estimates that the costs to comply with those mandates would not exceed the thresholds established in UMRA (\$100 million and \$200 million in 2024, respectively, adjusted annually for inflation).

H.R. 2964 would preempt some state and local laws governing the labeling of certain disposable wipes. Although the preemptions would limit the application of state and local laws, they would im-

pose no duty on state or local governments that would result in significant spending or loss of revenues.

The bill would require manufacturers of certain disposable wipes to clearly mark their products with a “do not flush” label and symbol. Because manufacturers already are complying with similar laws enacted in California, Illinois, and several other states, CBO estimates that the cost for manufacturers to comply with the mandate would be small.

H.R. 3950, TICKET Act: The bill would impose private-sector mandates as defined in UMRA on ticket sellers and resellers by requiring certain changes, including new refund policies, to the ticketing process. CBO estimates that the aggregate cost to comply with the mandates would be above the threshold established in UMRA for private-sector mandates (\$200 million in 2024, adjusted annually for inflation).

Under the bill, if an event is canceled, ticket sellers and resellers would be required to refund the full ticket price, including taxes and fees, to purchasers. If an event is postponed, sellers and resellers would be required to offer customers either a full refund or a replacement ticket, if available, subject to the customer’s preference. Sellers also would be required to disclose this refund policy. The bill allows for exceptions to this policy in cases where the cancellation or postponement is beyond the control of the ticket issuer, such as natural disasters. Based on discussions with industry sources, a substantial share of sellers and resellers already provide full refunds for canceled events but few offer refunds for postponed events. Considerable uncertainty surrounds the ways that federal regulations might define what is within the control of a ticket issuer in the event of a cancellation or postponement or what might constitute comparable replacement events. Given the large size of the industry and the amount of revenue generated by ticketed events, CBO estimates that the cost of the mandate would exceed the threshold for private-sector mandates.

H.R. 3950 also would require ticket sellers and resellers to make certain up-front disclosures to consumers. They would need to disclose the total ticket prices, including taxes and fees. Those disclosures would occur when the ticket is first displayed to the consumer and in any advertisements or marketing. The bill also would require sellers and resellers to provide purchasers with an itemized list of the base price and all fees. Information from the industry indicates that most ticket sellers have already begun to provide the total cost to consumers in advance; thus, CBO expects that the additional requirements in the bill would have small costs for ticket sellers and resellers.

The bill also would require ticket resellers to disclose to consumers that they are resellers before any purchase is complete. Sellers and resellers would be prohibited from advertising or selling any ticket that the seller does not actually or constructively possess. In certain instances, sellers also would be prohibited from revealing to consumers and using the names of venues, teams, artists, and events in their online domain names. CBO expects that those disclosures and prohibitions would impose minimal costs on the sellers.

The bill contains no intergovernmental mandates as defined in UMRA.

H.R. 6125, Online Dating Safety Act of 2023: The bill would impose intergovernmental and private-sector mandates, but CBO estimates that the costs to comply with those mandates would not exceed the thresholds established in UMRA (\$100 million and \$200 million in 2024, respectively, adjusted annually for inflation).

The bill would preempt state laws governing fraud notifications issued by online dating services. Although the preemptions would limit the application of state and local laws, they would impose no duty on state or local governments that would result in significant spending or loss of revenues.

H.R. 6125 would require providers of online dating services to send a fraud notification to consumers who receive a message from any member who has been banned by the service. Because some states already require those fraud notifications, most dating services have implemented the policy regardless of the consumer's location. Therefore, CBO expects that the cost to comply with the mandate would be small.

H.R. 6543, No Hidden FEES Act of 2023: The bill would impose intergovernmental and private-sector mandates, but CBO estimates that the costs to comply with those mandates would not exceed the thresholds established in UMRA (\$100 million and \$200 million in 2024, respectively, adjusted annually for inflation).

The bill would preempt state and local laws governing the display of prices for short-term lodging. Although the preemptions would limit the application of state and local laws, they would impose no duty on state or local governments that would result in significant spending or loss of revenues.

H.R. 6543 would prohibit providers, online booking websites, and advertisers of short-term lodging from displaying prices that do not include all mandatory fees. Information from industry sources and the FTC indicates that several lodging providers already comply with provisions in the bill, and CBO expects the cost for other entities to comply would be small because they already possess the fee information required to be displayed.

Previous CBO estimate: On October 25, 2023, CBO transmitted a cost estimate for S. 1303, the TICKET Act, as reported by the Senate Committee on Commerce, Science, and Transportation on September 12, 2023. Under H.R. 3950, regulated companies would be required to fulfill requirements that are additional to those specified in S. 1303; for example, if an event is canceled or postponed, a ticket seller would need to provide a full refund or replacement ticket. In addition, H.R. 3950 would require the FTC to report to the Congress on its enforcement of the Better Online Ticket Sales Act of 2016. CBO's estimated federal costs for both bills are the same. Because of the additional refund requirements on ticket sellers and resellers in H.R. 3950, CBO has determined that the cost of the private-sector mandates is above the threshold.

Estimate prepared by: Federal Costs: David Hughes; Mandates: Rachel Austin and Grace Watson.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

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.

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 require labeling on certain products to designate they are not safe to be flushed down the toilet.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 2964 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.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearing was used to develop or consider H.R. 2964:

- On September 27, 2023, the Subcommittee on Innovation, Data, and Commerce held a hearing on H.R. 2964. The title of the hearing was “Proposals to Enhance Product Safety and Transparency for Americans.” The Subcommittee received testimony from:
 - Kathleen Callahan, Owner, Xpertech Auto Repair;
 - Scott Benavidez, Chairman, Automotive Service Association;
 - Steven Michael Gentine, Counsel, Arnold & Porter, LLP;
 - John Breyault, Vice President of Public Policy, Telecommunications and Fraud, National Consumers League; and,
 - David Touhey, Principal, Connett Consulting, appearing on behalf of International Association of Venue Managers.

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.

EARMARK, 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. 2964 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

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

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.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides that the Act may be cited as the “Wastewater Infrastructure Pollution Prevention and Environmental Safety Act” or the “WIPPES Act.”

Section 2. “Do Not Flush” labeling

Section 2 requires covered entities to label covered products with a “Do Not Flush” label and symbol. These labels and symbols must meet the standards required in this Act and be clearly and conspicuously displayed. This section grants the Federal Trade Commission (FTC) rulemaking authority to promulgate regulations regarding requirements for “Do Not Flush” labels and symbols and allows for consultation with any agency it deems appropriate when developing such rules. Furthermore, this section provides definitions relevant to the Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

