

1 Sec. 1. 10 V.S.A. chapter 169 is added to read:

2 CHAPTER 169. PHASE OUT OF PFAS ADDED CONSUMER PRODUCTS

3 § 7601. DEFINITIONS

4 (1) “Adult mattress” means a mattress other than a crib or toddler mattress.

5 (2) “Aftermarket stain and water-resistant treatments” means treatments for textile  
6 and leather consumer products used in residential settings for stain, oil, and water  
7 resistance, but excludes products marketed or sold exclusively for use at industrial  
8 facilities during the manufacture of a carpet, rug, clothing, or shoe.

9 (3) “Alternative” means a substitute process, product, material, chemical, strategy, or  
10 combination of these that has been evaluated and serves a functionally equivalent  
11 purpose to a PFAS in a product that presents a lesser hazard to human health and  
12 the environment than use of PFAS in the product.

13 (4) “Apparel” means any of the following:

14 (A) Clothing items intended for regular wear or formal occasions, including  
15 undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes,  
16 vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms,  
17 leisurewear, athletic wear, sports uniforms, everyday swimwear, formal  
18 wear, onesies, bibs, reusable diapers, footwear, and everyday uniforms for  
19 workwear. Clothing items intended for regular wear or formal occasions  
20 do not include clothing items for exclusive use by the U.S. Armed Forces  
21 and personal protective equipment.

- 1           (B) Outdoor apparel.
- 2           (5) “AFFF” or Aqueous Film Forming Foam means: a fire suppressant used to  
3           extinguish flammable liquid fires such as fuel fires.
- 4           (6) “Artificial turf” means a surface of synthetic fibers that is used in place of natural  
5           grass in recreational, residential, or commercial applications.
- 6           (7) “Cleaning product” means a compound intended for routine cleaning, including  
7           general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor  
8           care products, and hand soaps. Cleaning product shall not mean an antimicrobial  
9           pesticide.
- 10          (8) “Carpet or rug” means a fabric product marketed or intended for use as a floor  
11          covering.
- 12          (9) “Complex durable goods” means a consumer product that is a manufactured good  
13          composed of 100 or more manufactured components, with an intended useful life  
14          of 5 or more years, where the product is typically not consumed, destroyed, or  
15          discarded after a single use. This includes replacement parts for complex durable  
16          goods not subject to a phase out under this chapter.
- 17          (10) “Consumer product” means any tangible personal property that is distributed in  
18          commerce, and which is used for personal, family, or household purposes.  
19          “Consumer products” includes product categories that are normally used by  
20          households but sold to businesses (e.g. commercial carpets or commercial floor  
21          waxes). “Consumer product” does not include complex durable goods or food.

- 1           (11) “Cookware” means durable houseware items used to prepare, dispense, or store  
2           food, foodstuffs, or beverages and that are intended for direct food contact,  
3           including pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls,  
4           and cooking utensils.
- 5           (12) “Cosmetic product” means articles or a component of articles intended to be  
6           rubbed, poured, sprinkled, or sprayed on; introduced into; or otherwise applied to  
7           the human body or any part thereof for cleansing, promoting attractiveness, or  
8           improving or altering appearance, including those intended for use by  
9           professionals. “Cosmetic product” does not mean soap, dietary supplements, or  
10           food and drugs approved by the U.S. Food and Drug Administration.
- 11           (13) “Dental floss” means a string-like device made of cotton or other fibers intended  
12           to remove plaque and food particles from between the teeth to reduce tooth decay.  
13           The fibers of the device may be coated with wax for easier use.
- 14           (14) “Food” has the same meaning as defined in 18 V.S.A. § 4051.
- 15           (15) “Fluorine treated containers” means a fluorinated treated plastic container or  
16           another fluorinated container listed by the Secretary by rule.
- 17           (16) “Food packaging and containers” means: a container applied to or providing a  
18           means to market, protect, handle, deliver, serve, contain, or store a food or  
19           beverage. Food package includes:
- 20           (A) a unit package and an intermediate package;  
21           (B) unsealed receptacles, such as carrying cases, crates, cups, plates, bowls,

1                   pails, rigid foil and other trays, wrappers and wrapping films, bags, and  
2                   tubs; and

3                   (C) an individual assembled part of a food package, such as any interior or  
4                   exterior blocking, bracing, cushioning, weatherproofing, exterior  
5                   strapping, coatings, closures, inks, and labels.

6                   (17) “Incontinency protection product” means a disposable, absorbent hygiene product  
7                   designed to absorb bodily waste for use by individuals 12 years of age and older.

8                   (18) “Intentionally added” means:

9                   (A) when a person manufacturing a product or product component knows or  
10                   can reasonably ascertain the final product or product component could  
11                   contain PFAS, including because:

12                   (i) PFAS or PFAS precursors are added to the product or product  
13                   component;

14                   (ii) PFAS or PFAS precursors are used in the manufacturing process of  
15                   the product or product component; or

16                   (iii) PFAS are present in the final product as a byproduct or impurity;  
17                   or

18                   (B) the product or a product component contains PFAS above thresholds  
19                   established by the Secretary.

20                   (19) “Juvenile product” means a product designed or marketed for use by infants and  
21                   children under 12 years of age:

- 1           (A)   including a baby or toddler foam pillow; bassinet; bedside sleeper; booster  
2                   seat; changing pad; infant bouncer; infant carrier; infant seat; infant sleep  
3                   positioner; infant swing; infant travel bed; infant walker; nap cot; nursing  
4                   pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat,  
5                   pad, or pillow; portable foam nap mat; portable infant sleeper; portable  
6                   hook-in chair; soft-sided portable crib; stroller; toddler mattress; and  
7                   disposable, single-use diaper; and
- 8           (B)   excluding a children’s electronic product, such as a personal computer,  
9                   audio and video equipment, calculator, wireless phone, game console,  
10                  handheld device incorporating a video screen, or any associated peripheral  
11                  such as a mouse, keyboard, power supply unit, or power cord; a medical  
12                  device; or an adult mattress.
- 13       (20)   “Known or reasonably ascertainable” means all information in a person's  
14                  possession or control, plus all information that a reasonable person similarly  
15                  situated might be expected to possess, control, or know.
- 16       (21)   “Manufacturer” means any person engaged in the business of making or  
17                  assembling a consumer product for sale to or use by consumers. “Manufacturer”  
18                  excludes a distributor or retailer, except when a consumer product is made or  
19                  assembled outside the United States, in which case a “manufacturer” includes the  
20                  importer or first domestic distributor of the consumer product.
- 21       (22)   “Medical device” has the same meaning given to “device” in 21 U.S.C. § 321.

- 1           (23) “Menstrual product” means a product used to collect menstruation and vaginal  
2           discharge, including tampons, pads, sponges, menstruation underwear, disks,  
3           applicators, and menstrual cups, whether disposable or reusable.
- 4           (24) “Outdoor apparel” means clothing items intended primarily for outdoor activities,  
5           including hiking, camping, skiing, climbing, bicycling, and fishing.
- 6           (26) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means “PFAS” as  
7           defined in 40 C.F.R. § 705.3. The Secretary may adopt exemptions to the  
8           definition of PFAS if that chemical is not toxicologically similar to chemicals  
9           defined as PFAS. The Secretary may add chemicals to the definition of PFAS if  
10           that chemical contains at least one fully fluorinated carbon atom and is  
11           toxicologically similar to chemicals defined as PFAS.
- 12           (27) “PFAS-added consumer product” means a consumer product that was  
13           manufactured after the effective date of this chapter where PFAS was  
14           intentionally added to that product or a component of the product.
- 15           (28) “Pesticide” has the same meaning as defined in 6 V.S.A. § 1101
- 16           (29) “Personal protective equipment” is clothing designed, intended, or marketed to  
17           be worn by firefighting personnel in the performance of their duties, designed  
18           with the intent for use in fire and rescue activities, and includes jackets, pants,  
19           shoes, gloves, helmets, and respiratory equipment.
- 20           (30) “Product component” means a component of a product, regardless of whether the  
21           manufacturer of the product is the manufacturer of the component.

- 1           (31) “Retailer” means a person who sells a PFAS-added product in the State through  
2           any means, including a sales outlet, a catalogue, the telephone, the Internet, or any  
3           electronic means. “Retailer” shall not mean a person who both manufactures and  
4           sells at retail a consumer product with respect to the product that they  
5           manufacture.
- 6           (32) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis  
7           and snowboards, to improve their grip and glide properties.
- 8           (33) “Textile” means any item made in whole or part from a natural, humanmade, or  
9           synthetic fiber, yarn, or fabric, and includes, but is not limited to, leather, cotton,  
10           silk, jute, hemp, wool, viscose, nylon, or polyester. “Textile” does not include  
11           single-use paper hygiene products, including, but not limited to, toilet paper,  
12           paper towels or tissues, or single-use absorbent hygiene products.
- 13           (34) “Textile articles” means textile goods of a type customarily and ordinarily used in  
14           households and businesses, and includes apparel, accessories, handbags,  
15           backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels,  
16           napkins, and table cloths. “Textile articles” does not include:
- 17           (A) a vehicle, as defined in 1 U.S.C. § 4, or its component parts;  
18           (B) a vessel, as defined in 1 U.S.C. § 3, or its component parts;  
19           (C) an aircraft, as defined in 49 U.S.C. § 40102(a)(6), or its component parts;  
20           (D) filtration media and filter products used in industrial applications,  
21           including chemical or pharmaceutical manufacturing and environmental

- 1                   control technologies;
- 2                   (E) textile articles used for laboratory analysis and testing; and
- 3                   (F) rugs or carpets.
- 4           (35) “Upholstered furniture” means: any article of furniture that is designed for sitting,
- 5                   resting, or reclining, and is wholly or partially stuffed with filling material.

6 § 7602. EXEMPTIONS.

7           The following are exempt from the requirements of this chapter:

- 8           (1) A product for which federal law governs the presence of PFAS in the product in a
- 9                   manner that preempts state authority.
- 10           (2) Products made with at least 50 percent recycled content, excluding PFAS
- 11                   solutions; the Secretary may adopt alternate minimum recycled content
- 12                   exemptions by rule;
- 13           (3) Products manufactured prior to the phase out imposed by section 7604 of this
- 14                   title;
- 15           (4) Drugs, medical devices, biologics or diagnostics approved or authorized by the
- 16                   Federal Food and Drug Administration or the United States Department of
- 17                   Agriculture or otherwise subject to regulation under the Federal Food, Drug, and
- 18                   Cosmetic Act, as amended, 21 U.S.C. § 301 et seq. This exemption shall not
- 19                   apply to products phased out pursuant to subsection 7401(1) or the Secretary
- 20                   adopts a rule phasing out a PFAS added consumer product;
- 21           (5) Products registered or authorized for use under the Federal Insecticide,



1           Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136 et seq. and Vermont  
2           Agency of Agriculture, Food, and Markets under Title 6 Agriculture Chapter 81:  
3           Insecticides, Fungicides, and Rodenticides, as amended; and

4           (6)   Replacement parts for products manufactured prior to the phase out imposed by  
5           section 7604 of this title.

6   § 7603. INTERJURISDICTION CLEARINGHOUSE

7   (a)   The Secretary is authorized to participate in the establishment and implementation of a  
8           multi-jurisdiction clearinghouse to assist in carrying out the requirements of this chapter  
9           and to help coordinate applications and reviews of the manufacturer obligations under  
10          this Act. The clearinghouse may also maintain a database or other collection of relevant  
11          information, including but not limited to all products containing PFAS, including PFAS-  
12          added products; applications for designation as a currently unavoidable use; and  
13          exemptions granted by the participating jurisdictions.

14   (b)   Public disclosure of information submitted to the Secretary pursuant to this section shall  
15          be governed by the requirements of 1 V.S.A, chapter 5, subchapter 3. Notwithstanding  
16          whether information submitted to the Secretary pursuant to this section is exempt from  
17          public disclosure under 1 V.S.A. § 317(c), the Secretary may provide the clearinghouse  
18          with copies of such information provided:

19          (1)   the Secretary provides notice of this section to the person submitting the  
20                information; and

21          (2)   all member jurisdictions of the clearinghouse protect such information from

1            disclosure by law, including as provided in subsection (d) of this section.

2    (c) The Secretary may publish analyses or summaries of such information provided that:

3            (1) the analyses or summaries do not reveal any information that is confidential under  
4            1 V.S.A. § 317(c); and

5            (2) if relying on confidential information obtained from another jurisdiction, that  
6            jurisdiction does not prohibit disclosure of such analyses or summaries.

7    (d) Communications and information shared among or between members of the  
8            clearinghouse, including information maintained by the clearinghouse, shall not lose any  
9            otherwise applicable protection from disclosure by virtue of being shared within the  
10           clearinghouse.

11    § 7604. PHASE-OUTS ON THE SALE OF CERTAIN PFAS-ADDED PRODUCTS

12            Product phase-outs.

13           (1) A manufacturer shall not manufacture, sell, or distribute for sale in the State the  
14           following PFAS-added consumer products:

15            (A) AFFF;

16            (B) Aftermarket stain and water-resistant treatments;

17            (C) Artificial turf;

18            (D) Carpets and rugs;

19            (E) Cleaning products;

20            (F) Cookware;

21            (G) Cosmetic products;

- 1            (H) Dental floss;
- 2            (I) Fluorine treated containers;
- 3            (J) Food packaging and containers;
- 4            (K) Incontinency protection products;
- 5            (L) Juvenile products;
- 6            (M) Menstrual products;
- 7            (N) Ski wax; and
- 8            (O) Upholstered furniture;
- 9            (2) Apparel textiles and textile articles. A manufacturer shall not manufacture, sell,  
10            or distribute for sale in the State apparel textiles or textile articles with  
11            concentrations of total organic fluorine greater than 50 parts per million.
- 12            (3) Firefighting; personal protective equipment.
- 13            (A) A manufacturer or other person that sells firefighting equipment to any  
14            person, municipality, or State agency shall provide written notice to the  
15            purchaser at the time of sale, citing to this subchapter, if the personal  
16            protective equipment contains PFAS. The written notice shall include a  
17            statement that the personal protective equipment contains PFAS and the  
18            reason PFAS are added to the equipment.
- 19            (B) The manufacturer or person selling personal protective equipment and the  
20            purchaser of the personal protective equipment shall retain the notice for  
21            at least three years from the date of the transaction.

1 § 7605. CERTIFICATE OF COMPLIANCE.

2 (a) The Attorney General or Secretary may request a certificate of compliance from a  
3 manufacturer. Within 60 days after receipt of the request for a certificate of compliance,  
4 the manufacturer shall:

5 (1) provide a certificate to the requestor attesting that the manufacturer's product or  
6 products comply with the requirements of this subchapter. Upon request, the  
7 manufacturer shall document the steps taken to reasonably ascertain whether  
8 PFAS was present in a product or product component; or

9 (2) notify persons who are selling a product of the manufacturer's in this State that  
10 the product does not comply with this subchapter, and submit to the requestor a  
11 list of the names and addresses of those persons notified.

12 (b) A manufacturer required to submit a certificate of compliance pursuant to this section  
13 may rely upon a certification under section 7606 of this title provided to the manufacturer  
14 by a supplier for the purpose of determining whether the manufacturer's product or  
15 products comply with the requirements of this subchapter.

16 (c) A certificate of compliance shall be in a form prescribed by the Secretary.

17 § 7606. MANUFACTURER CERTIFICATION; RIGHT OF ACTION

18 (a) A manufacturer may request a certification from a supplier of an input into a product that  
19 is manufactured, sold, or distributed in the State of Vermont. That certification may  
20 include the following:

21 (1) Whether PFAS was intentionally added to the product or product component;

- 1           (2) Whether a commercial chemical product contains PFAS;
- 2           (3) How PFAS was used in the development of the product or product component;
- 3           (4) Any additional information reasonably necessary for the manufacturer to ensure  
4           compliance with this chapter.
- 5   **(b)**   A supplier shall have 60 days from the date the manufacturer sends the request for a  
6           certification to respond to the request. The manufacturer and supplier may agree to an  
7           extension of time in writing. A supplier who needs to send a request for a certification to  
8           their suppliers shall respond 180 days from the date that the original request was sent,  
9           unless otherwise agreed to with the original requestor in writing.
- 10   **(c)**   Any supplier providing a certification under this section may require the recipient to  
11           agree not to disclose information, except to the State of Vermont, that is confidential  
12           under 1 V.S.A. § 317(c).
- 13   **(d)**   A manufacturer may sue a supplier for failure to provide a certificate under this section.  
14           A supplier may be liable for actual and consequential damages as a result of its failure to  
15           provide a certificate under this section. A manufacturer who prevails in a suit under this  
16           section shall be entitled to reasonable attorney’s fees.
- 17   **(e)**   A supplier’s failure to comply with this section is deemed to be a violation of section  
18           2453 of title 9.

19   § 7607. RULEMAKING

20           The Secretary may adopt rules to implement this chapter.

21   § 7608. ENFORCEMENT



- 1 (V) chapter 124 (trade in covered animal parts or products); ~~and~~  
2 (W) chapter 164B (collection and management of covered household  
3 hazardous products); and  
4 (X) chapter 168 (phase out of PFAS added consumer products).

5 Sec. 4. 9 V.S.A. § 2494b is amended to read:

6 § 2494b. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

7 (a) A manufacturer shall not manufacture, sell, offer for sale, distribute for any cosmetic or  
8 menstrual product to which the following chemicals or chemical classes have been  
9 intentionally added in any amount:

- 10 (1) ortho-phthalates;  
11 (2) [deleted] ~~PFAS~~;  
12 (3) formaldehyde (CAS 50-00-0);  
13 (4) methylene glycol (CAS 463-57-0);  
14 (5) mercury and mercury compounds (CAS 7439-97-6);  
15 (6) 1, 4-dioxane (CAS 123-91-1);  
16 (7) isopropylparaben (CAS 4191-73-5);  
17 (8) isobutylparaben (CAS 4247-02-3);  
18 (9) lead and lead compounds (CAS 7439-92-1);  
19 (10) asbestos; (11) triclosan (CAS 3380-34-5);  
20 (12) m-phenylenediamine and its salts (CAS 108-42-5);  
21 (13) o-phenylenediamine and its salts (CAS 95-54-5); and

1 (14) quaternium-15 (CAS 51229-78-8).

2 \* \* \*

3 Sec. 5. 9 V.S.A. chapter 63, subchapter 12c is amended to read:

4 Subchapter 12c. Chemicals of Concern in Food Packaging

5 § 2494w. DEFINITIONS

6 As used in this subchapter:

7 \* \* \*

8 ~~(8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of~~  
9 ~~fluorinated organic chemicals containing at least one fully fluorinated carbon~~  
10 ~~atom.~~

11 § 2494x. FOOD PACKAGING

12 (a) ~~[deleted]A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or~~  
13 ~~distribute for use in this State a food package to which PFAS have been intentionally~~  
14 ~~added and are present in any amount.~~

15 \* \* \*

16 Sec. 6. 10 V.S.A. § 7604 is amended to read:

17 § 7604. PHASE-OUTS ON THE SALE OF CERTAIN PFAS-ADDED PRODUCTS

18 Product phase-outs.

19 (1) A manufacturer shall not manufacture, sell, or distribute for sale in the State the  
20 following PFAS-added consumer products:

21 (A) AFFF;



- 1 (B) Aftermarket stain and water-resistant treatments;
- 2 (C) Artificial turf;
- 3 (D) Carpets and rugs;
- 4 (E) Cleaning products;
- 5 (F) Cookware;
- 6 (G) Cosmetic products;
- 7 (H) Dental floss;
- 8 (I) Fluorine treated containers;
- 9 (J) Food packaging and containers;
- 10 (K) Incontinency protection products
- 11 (L) Juvenile products;
- 12 (M) Menstrual products;
- 13 (N) Ski wax; and
- 14 (O) Upholstered furniture;
- 15 (2) Apparel textiles, and textile articles. A manufacturer shall not manufacture, sell,  
16 or distribute for sale in the State apparel textiles or textile articles with  
17 concentrations of total organic fluorine greater than 50 parts per million.
- 18 (3) Firefighting; personal protective equipment.
- 19 (A) A manufacturer or other person that sells firefighting equipment to any  
20 person, municipality, or State agency shall provide written notice to the  
21 purchaser at the time of sale, citing to this subchapter, if the personal

1 protective equipment contains PFAS. The written notice shall include a  
2 statement that the personal protective equipment contains PFAS and the  
3 reason PFAS are added to the equipment.

4 (B) The manufacturer or person selling personal protective equipment and the  
5 purchaser of the personal protective equipment shall retain the notice for  
6 at least three years from the date of the transaction.

7 (4) A manufacturer shall not manufacture, sell, or distribute for sale in the State a  
8 PFAS-added consumer product unless the Secretary has determined the addition  
9 of PFAS to be a currently unavoidable use of PFAS pursuant to subsection (b) of  
10 this section.

11 (b) Currently unavoidable use of PFAS. For products phased out under subsection (a)(4) of  
12 this section:

13 (1)(A) Upon application of a manufacturer, the Secretary may grant a waiver for up to  
14 five years to the product phase out if the Secretary finds the application clearly  
15 meets the following criteria:

16 (i) The product or product component, if unavailable, would result in  
17 a significant increase in negative healthcare outcomes, an inability  
18 to mitigate significant risks to human health or the environment, or  
19 significantly interrupt the daily functions on which society relies.  
20 Products or product components may include those that are  
21 integral to climate mitigation, critical infrastructure, delivery of

1 medicine, lifesaving equipment, production of food, public  
2 transport, aerospace, aeronautics, public safety and defense, and  
3 construction, and

4 (ii) There is no alternative to PFAS that presents less hazard to human  
5 health and the environment that serves a functionally equivalent  
6 purpose to use of PFAS in the product.

7 (B) When considering a manufacturer request under this section, the Secretary  
8 shall follow the procedures established in 10 V.S.A. § 7714.

9 (2) The Secretary may, by rule, determine that PFAS is a currently unavoidable use in  
10 a category of products. Category-based determinations made by the Secretary  
11 shall be for a period of time identified in the rule not to exceed ten years. The  
12 Secretary shall document the following as a part of the administrative record for  
13 the rule:

14 (A) The product or product component, if unavailable, would result in a  
15 significant increase in negative healthcare outcomes, an inability to  
16 mitigate significant risks to human health or the environment, or  
17 significantly interrupt the daily functions on which society relies. Products  
18 or product components may include those that are integral to climate  
19 mitigation, critical infrastructure, delivery of medicine, lifesaving  
20 equipment, production of food, public transport, aerospace, aeronautics,  
21 public safety and defense, and construction.; and

1           (B)    There is no alternative to PFAS that presents less hazard to human health  
2                   and the environment that serves a functionally equivalent purpose to use  
3                   of PFAS in the product.

4   Sec. 7. REPEAL.

5           9 V.S.A. chapter 63, subchapter 12a (PFAS in Consumer Products) and subchapter 12b  
6           (PFAS in Firefighting Agents and Equipment) are repealed.

7   Sec. 8. REPORTS

8   (a)   On or before January 15, 2033, the Secretary of Natural Resources shall provide a  
9           recommendation to the House Committee on Human Services and Senate Committee on  
10          Health and Welfare on how to address PFAS in complex durable goods.

11   (b)   On or before January 15, 2033, the Secretary of Agriculture, Food and Markets shall  
12          provide a recommendation to the House Committee on Human Services and Senate  
13          Committee on Health and Welfare on how to address PFAS in food.

14   Sec. 9. EFFECTIVE DATES

15   (a)   Secs. 1, 2, 3, 4, 5, 7, and 8 of this Act shall take effect on July 1, 2028.

16   (b)   Sec. 6 of this Act shall become effective 12 months from the date the Secretary certifies  
17          that a law similar to this section are effective by any combination of the northeast states  
18          with an aggregate population of at least 15,000,000 people. For purposes of this section,  
19          northeast states shall include the New England states, New York, and New Jersey. In  
20          making the determination that the law is similar, the law must have a ban on PFAS-added  
21          consumer products and an unavoidable use waiver to that ban. The Secretary shall notify

1           the clerk of the House and Secretary of the Senate when this requirement has been met.