

AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. POCAN OF WISCONSIN

Page 785, after line 11, insert the following new section:

1 **SEC. 20214. COUNTRY OF ORIGIN LABELING ONLINE.**

2 (a) MANDATORY ORIGIN AND LOCATION DISCLO-
3 SURE FOR PRODUCTS OFFERED FOR SALE ON THE
4 INTERNET.—

5 (1) IN GENERAL.—

6 (A) DISCLOSURE.—Subject to subpara-
7 graph (C), it shall be unlawful for a product
8 that is required to be marked under a provision
9 of law (or its implementing regulations) de-
10 scribed in subparagraph (B) to be introduced,
11 sold, advertised, or offered for sale in commerce
12 on an internet website unless the internet
13 website description of the product—

14 (i) indicates in a conspicuous place
15 the country of origin of the product (or, in
16 the case of multi-sourced products, coun-
17 tries of origin), in a manner consistent
18 with the regulations prescribed under sec-

1 tion 304 of the Tariff Act of 1930 (19
2 U.S.C. 1304) and the country of origin
3 marking regulations administered by U.S.
4 Customs and Border Protection; and

5 (ii) indicates in a conspicuous place
6 the country in which the seller of the prod-
7 uct is located (and, if applicable, the coun-
8 try in which any parent corporation of
9 such seller is located).

10 (B) PROVISIONS OF LAW DESCRIBED.—

11 The provisions of law described in this subpara-
12 graph are the following:

13 (i) Section 32304 of title 49, United
14 States Code.

15 (ii) Section 2 of the Textile Fiber
16 Products Identification Act (15 U.S.C.
17 70b).

18 (iii) Section 2 of the Wool Products
19 Labeling Act of 1939 (15 U.S.C. 68).

20 (iv) Section 2 of the Fur Products
21 Labeling Act (15 U.S.C. 69).

22 (v) Section 304 of the Tariff Act of
23 1930 (19 U.S.C. 1304).

24 (C) EXCLUSION OF FOOD AND DRUGS.—

25 The disclosure requirements under clauses (i)

1 and (ii) of subparagraph (A) shall not apply to
2 a food or pharmaceutical product subject to the
3 jurisdiction of the Food and Drug Administra-
4 tion or the Department of Agriculture.

5 (2) CERTAIN DRUG PRODUCTS.—It shall be un-
6 lawful for a drug that is not subject to section
7 503(b)(1) of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 353(b)(1)) and that is required to be
9 marked under section 304 of the Tariff Act of 1930
10 (19 U.S.C. 1304) to be offered for sale in commerce
11 to consumers on an internet website unless the inter-
12 net website description of the drug indicates in a
13 conspicuous place the name and place of business of
14 the manufacturer, packer, or distributor that is re-
15 quired to appear on the label of the drug in accord-
16 ance with section 502(b) of the Federal Food, Drug,
17 and Cosmetic Act (21 U.S.C. 352(b)).

18 (3) OBLIGATION TO PROVIDE.—A manufac-
19 turer, importer, distributor, seller, supplier, or pri-
20 vate labeler seeking to have a product introduced,
21 sold, advertised, or offered for sale in commerce
22 shall provide the information identified clauses (i)
23 and (ii) of paragraph (1)(A) or paragraph (2), as
24 applicable, to the relevant retailer or internet website
25 marketplace.

1 (4) SAFE HARBOR.—A retailer or internet
2 website marketplace satisfies the disclosure require-
3 ments under clauses (i) and (ii) of paragraph (1)(A)
4 or paragraph (2), as applicable, if the disclosure in-
5 cludes the country of origin and seller information
6 provided by a third-party manufacturer, importer,
7 distributor, seller, supplier, or private labeler of the
8 product.

9 (b) PROHIBITION ON FALSE AND MISLEADING REP-
10 RESENTATION OF UNITED STATES ORIGIN ON PROD-
11 UCTS.—

12 (1) UNLAWFUL ACTIVITY.—Notwithstanding
13 any other provision of law, and except as provided
14 for in paragraph (2), it shall be unlawful to make
15 any false or deceptive representation that a product
16 or its parts or processing are of United States origin
17 in any labeling, advertising, or other promotional
18 materials, or any other form of marketing, including
19 marketing through digital or electronic means in the
20 United States.

21 (2) DECEPTIVE REPRESENTATION.—For pur-
22 poses of paragraph (1), a representation that a
23 product is in whole, or in part, of United States ori-
24 gin is deceptive if, at the time the representation is
25 made, such claim is not consistent with section 5 of

1 the Federal Trade Commission Act (15 U.S.C.
2 45(a)) and any regulations promulgated by the Com-
3 mission pursuant to section 320933 of the Violent
4 Crime Control and Law Enforcement Act of 1994
5 (15 U.S.C. 45a), provided that no other Federal
6 statute or regulation applies.

7 (3) LIMITATION OF LIABILITY.—A retailer or
8 internet website marketplace is not in violation of
9 this subsection if a third-party manufacturer, dis-
10 tributor, seller, supplier, or private labeler provided
11 the retailer or internet website marketplace with a
12 false or deceptive representation as to the country of
13 origin of a product or its parts or processing.

14 (c) ENFORCEMENT BY COMMISSION.—

15 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
16 TICES.—A violation of subsection (a) or (b) shall be
17 treated as a violation of a rule prescribed under sec-
18 tion 18(a)(1)(B) of the Federal Trade Commission
19 Act (15 U.S.C. 57a(a)(1)(B)).

20 (2) POWERS OF THE COMMISSION.—

21 (A) IN GENERAL.—The Commission shall
22 enforce this section in the same manner, by the
23 same means, and with the same jurisdiction,
24 powers, and duties as though all applicable
25 terms and provisions of the Federal Trade

1 Commission Act (15 U.S.C. 41 et seq.) were in-
2 corporated into and made a part of this section.

3 (B) PRIVILEGES AND IMMUNITIES.—Any
4 person that violates subsection (a) or (b) shall
5 be subject to the penalties and entitled to the
6 privileges and immunities provided in the Fed-
7 eral Trade Commission Act (15 U.S.C. 41 et
8 seq.) as though all applicable terms and provi-
9 sions of that Act were incorporated and made
10 part of this section.

11 (C) AUTHORITY PRESERVED.—Nothing in
12 this section may be construed to limit the au-
13 thority of the Commission under any other pro-
14 vision of law.

15 (3) INTERAGENCY AGREEMENT.—Not later
16 than 6 months after the date of enactment of this
17 Act, the Commission and U.S. Customs and Border
18 Protection shall—

19 (A) enter into a Memorandum of Under-
20 standing or other appropriate agreement for the
21 purpose of providing consistent implementation
22 of this section; and

23 (B) publish such agreement to provide
24 public guidance.

1 (4) DEFINITION OF COMMISSION.—In this sub-
2 section, the term “Commission” means the Federal
3 Trade Commission.

4 (d) AUTHORITY PRESERVED.—Nothing in this sec-
5 tion may be construed to limit the authority of the Depart-
6 ment of Agriculture, the Food and Drug Administration,
7 or U.S. Customs and Border Protection under any other
8 provision of law.

9 (e) MULTI-SOURCED PRODUCTS.—For purposes of
10 this section, a product shall be considered a “multi-
11 sourced product” if—

12 (1) an identical product is sourced from dif-
13 ferent countries; or

14 (2) the product is a bundled product containing
15 distinct items from different countries.

16 (f) EFFECTIVE DATE.—This section shall take effect
17 12 months after the date of the publication of the Memo-
18 randum of Understanding or agreement under subsection
19 (c)(3).

