AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. POCAN OF WISCONSIN

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

SEC. 20214. COUNTRY OF ORIGIN LABELING ONLINE.

(a) Mandatory Origin and Location Disclosure for Products Offered for Sale on the Internet.—

(1) In general.—

(A) Disclosure.—Subject to subparagraph (C), it shall be unlawful for a product that is required to be marked under a provision of law (or its implementing regulations) described in subparagraph (B) to be introduced, sold, advertised, or offered for sale in commerce on an internet website unless the internet website description of the product—

(i) indicates in a conspicuous place the country of origin of the product (or, in the case of multi-sourced products, countries of origin), in a manner consistent with the regulations prescribed under sec-
tion 304 of the Tariff Act of 1930 (19 U.S.C. 1304) and the country of origin marking regulations administered by U.S. Customs and Border Protection; and

(ii) indicates in a conspicuous place the country in which the seller of the product is located (and, if applicable, the country in which any parent corporation of such seller is located).

(B) PROVISIONS OF LAW DESCRIBED.—

The provisions of law described in this subparagraph are the following:

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


(C) EXCLUSION OF FOOD AND DRUGS.—

The disclosure requirements under clauses (i)
and (ii) of subparagraph (A) shall not apply to

a food or pharmaceutical product subject to the

jurisdiction of the Food and Drug Administra-

tion or the Department of Agriculture.

(2) CERTAIN DRUG PRODUCTS.—It shall be un-

lawful for a drug that is not subject to section

503(b)(1) of the Federal Food, Drug, and Cosmetic

Act (21 U.S.C. 353(b)(1)) and that is required to be

marked under section 304 of the Tariff Act of 1930

(19 U.S.C. 1304) to be offered for sale in commerce
to consumers on an internet website unless the inter-

net website description of the drug indicates in a

conspicuous place the name and place of business of

the manufacturer, packer, or distributor that is re-

quired to appear on the label of the drug in accord-

ance with section 502(b) of the Federal Food, Drug,

and Cosmetic Act (21 U.S.C. 352(b)).

(3) OBLIGATION TO PROVIDE.—A manufac-

turer, importer, distributor, seller, supplier, or pri-

vate labeler seeking to have a product introduced,
sold, advertised, or offered for sale in commerce
shall provide the information identified clauses (i)
and (ii) of paragraph (1)(A) or paragraph (2), as
applicable, to the relevant retailer or internet website
marketplace.
(4) Safe Harbor.—A retailer or internet website marketplace satisfies the disclosure requirements under clauses (i) and (ii) of paragraph (1)(A) or paragraph (2), as applicable, if the disclosure includes the country of origin and seller information provided by a third-party manufacturer, importer, distributor, seller, supplier, or private labeler of the product.

(b) Prohibition on False and Misleading Representation of United States Origin on Products.—

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

(2) Deceptive Representation.—For purposes of paragraph (1), a representation that a product is in whole, or in part, of United States origin is deceptive if, at the time the representation is made, such claim is not consistent with section 5 of

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

(e) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) shall be treated as a violation of a rule prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section 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 section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) as though all applicable terms and provisions of that Act were incorporated and made part of this section.

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

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

(A) enter into a Memorandum of Understanding or other appropriate agreement for the purpose of providing consistent implementation of this section; and

(B) publish such agreement to provide public guidance.
(4) DEFINITION OF COMMISSION.—In this subsection, the term “Commission” means the Federal Trade Commission.

(d) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Department of Agriculture, the Food and Drug Administration, or U.S. Customs and Border Protection under any other provision of law.

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

(1) an identical product is sourced from different countries; or

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

(f) EFFECTIVE DATE.—This section shall take effect 12 months after the date of the publication of the Memorandum of Understanding or agreement under subsection (c)(3).