Purpose: To require clear disclosure of seller location and country-of-origin labeling of products for sale on the internet.


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To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. BALDWIN

Viz:

At the appropriate place, insert the following:

SEC. ___ COUNTRY OF ORIGIN LABELING ONLINE ACT.

(a) MANDATORY ORIGIN AND LOCATION DISCLOSURE FOR PRODUCTS OFFERED FOR SALE ON THE INTERNET.—

(1) IN GENERAL.—It shall be unlawful for a product that is required to be marked under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or
its implementing regulations to be introduced, sold, advertised, or offered for sale in commerce on an internet website unless the internet website description of the product—

(A)(i) indicates in a conspicuous place the country of origin of the product, in a manner consistent with the regulations prescribed under section 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) includes, in the case of—

(I) a new passenger motor vehicle (as defined in section 32304 of title 49, United States Code), the disclosure required by such section;

(II) a textile fiber product (as defined in section 2 of the Textile Fiber Products Identification Act (15 U.S.C. 70b)), the disclosure required by such Act;

(III) a wool product (as defined in section 2 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68)), the disclosure required by such Act;
(IV) a fur product (as defined in section 2 of the Fur Products Labeling Act (15 U.S.C. 69)), the disclosure required by such Act;

(V) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638)), the country of origin information required by section 282 of such Act (7 U.S.C. 1638a); and

(VI) a pharmaceutical product subject to the jurisdiction of the Food and Drug Administration, the disclosure required by section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352); and

(B) 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).

(2) LIMITATION.—The disclosure of a product’s country of origin required pursuant to paragraph (1)(A) shall not be made in such a manner as to represent to a consumer that the product is in whole, or part, of United States origin, unless such
disclosure is consistent with section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)), provided that no other Federal statute applies.

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

(1) Unlawful Activity.—Notwithstanding any other provision of law, 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 the Federal Trade Commission Act (15 U.S.C. 45(a)), provided that no other Federal statute applies.

(c) Enforcement by Commission.—

(1) Unfair or Deceptive Acts or Practices.—A violation of subsection (a) or (b) shall be

(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) Effective Date.—This section shall take effect 9 months after the date of enactment of this Act.