



Baldwin_1 (as modified)

AMENDMENT NO. _____ Calendar No. _____

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

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1260

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:

1 At the appropriate place, insert the following:

2 **SEC. ____ . COUNTRY OF ORIGIN LABELING ONLINE ACT.**

3 (a) MANDATORY ORIGIN AND LOCATION DISCLO-

4 SURE FOR PRODUCTS OFFERED FOR SALE ON THE

5 INTERNET.—

6 (1) IN GENERAL.—It shall be unlawful for a

7 product that is required to be marked under section

8 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or

1 its implementing regulations to be introduced, sold,
2 advertised, or offered for sale in commerce on an
3 internet website unless the internet website descrip-
4 tion of the product—

5 (A)(i) indicates in a conspicuous place the
6 country of origin of the product, in a manner
7 consistent with the regulations prescribed under
8 section 304 of the Tariff Act of 1930 (19
9 U.S.C. 1304) and the country of origin marking
10 regulations administered by U.S. Customs and
11 Border Protection; and

12 (ii) includes, in the case of—

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

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

21 (III) a wool product (as defined in
22 section 2 of the Wool Products Labeling
23 Act of 1939 (15 U.S.C. 68)), the disclo-
24 sure required by such Act;

1 (IV) a fur product (as defined in sec-
2 tion 2 of the Fur Products Labeling Act
3 (15 U.S.C. 69)), the disclosure required by
4 such Act;

5 (V) a covered commodity (as defined
6 in section 281 of the Agricultural Mar-
7 keting Act of 1946 (7 U.S.C. 1638)), the
8 country of origin information required by
9 section 282 of such Act (7 U.S.C. 1638a);
10 and

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

16 (B) indicates in a conspicuous place the
17 country in which the seller of the product is lo-
18 cated (and, if applicable, the country in which
19 any parent corporation of such seller is lo-
20 cated).

21 (2) LIMITATION.—The disclosure of a product's
22 country of origin required pursuant to paragraph
23 (1)(A) shall not be made in such a manner as to
24 represent to a consumer that the product is in
25 whole, or part, of United States origin, unless such

1 disclosure is consistent with section 5 of the Federal
2 Trade Commission Act (15 U.S.C. 45(a)), provided
3 that no other Federal statute applies.

4 (b) PROHIBITION ON FALSE AND MISLEADING REP-
5 RESENTATION OF UNITED STATES ORIGIN ON PROD-
6 UCTS.—

7 (1) UNLAWFUL ACTIVITY.—Notwithstanding
8 any other provision of law, it shall be unlawful to
9 make any false or deceptive representation that a
10 product or its parts or processing are of United
11 States origin in any labeling, advertising, or other
12 promotional materials, or any other form of mar-
13 keting, including marketing through digital or elec-
14 tronic means in the United States.

15 (2) DECEPTIVE REPRESENTATION.—For pur-
16 poses of paragraph (1), a representation that a
17 product is in whole, or in part, of United States ori-
18 gin is deceptive if, at the time the representation is
19 made, such claim is not consistent with section 5 of
20 the Federal Trade Commission Act (15 U.S.C.
21 45(a)), provided that no other Federal statute ap-
22 plies.

23 (c) ENFORCEMENT BY COMMISSION.—

24 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
25 TICES.—A violation of subsection (a) or (b) shall be

1 treated as a violation of a rule under section
2 18(a)(1)(B) of the Federal Trade Commission Act
3 (15 U.S.C. 57a(a)(1)(B)).

4 (2) POWERS OF THE COMMISSION.—

5 (A) IN GENERAL.—The Commission shall
6 enforce this section in the same manner, by the
7 same means, and with the same jurisdiction,
8 powers, and duties as though all applicable
9 terms and provisions of the Federal Trade
10 Commission Act (15 U.S.C. 41 et seq.) were in-
11 corporated into and made a part of this section.

12 (B) PRIVILEGES AND IMMUNITIES.—Any
13 person that violates subsection (a) or (b) shall
14 be subject to the penalties and entitled to the
15 privileges and immunities provided in the Fed-
16 eral Trade Commission Act (15 U.S.C. 41 et
17 seq.) as though all applicable terms and provi-
18 sions of that Act were incorporated and made
19 part of this section.

20 (C) AUTHORITY PRESERVED.—Nothing in
21 this section may be construed to limit the au-
22 thority of the Commission under any other pro-
23 vision of law.

24 (3) INTERAGENCY AGREEMENT.—Not later
25 than 6 months after the date of enactment of this

1 Act, the Commission and U.S. Customs and Border
2 Protection shall—

3 (A) enter into a Memorandum of Under-
4 standing or other appropriate agreement for the
5 purpose of providing consistent implementation
6 of this section; and

7 (B) publish such agreement to provide
8 public guidance.

9 (4) DEFINITION OF COMMISSION.—In this sub-
10 section, the term “Commission” means the Federal
11 Trade Commission.

12 (d) EFFECTIVE DATE.—This section shall take effect
13 9 months after the date of enactment of this Act.