

116TH CONGRESS
2D SESSION

S. 3707

To require clear disclosure of seller location and country-of-origin labeling for products advertised for sale on the internet and to prohibit false and misleading representation of United States origin on products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Ms. BALDWIN (for herself, Mr. SCOTT of Florida, Mr. MURPHY, and Mrs. LOEFFLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require clear disclosure of seller location and country-of-origin labeling for products advertised for sale on the internet and to prohibit false and misleading representation of United States origin on products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Country Of Origin La-
5 beling Online Act” or the “COOL Online Act”.

1 **SEC. 2. MANDATORY ORIGIN AND LOCATION DISCLOSURE**
2 **FOR PRODUCTS ADVERTISED FOR SALE ON**
3 **THE INTERNET.**

4 (a) IN GENERAL.—It shall be unlawful for a product
5 to be introduced, sold, advertised, or offered for sale in
6 commerce on an internet website unless the internet
7 website description of the product—

8 (1)(A) except as provided in subparagraph (B),
9 indicates in a conspicuous place the country of ori-
10 gin of the product, in a manner consistent with the
11 regulations prescribed under section 304 of the Tar-
12 iff Act of 1930 (19 U.S.C. 1304) and the country
13 of origin marking regulations administered by U.S.
14 Customs and Border Protection; or

15 (B) includes, in the case of—

16 (i) a new passenger motor vehicle (as de-
17 fined in section 32304 of title 49, United States
18 Code), the disclosure required by such section;

19 (ii) a textile fiber product (as defined in
20 section 2 of the Textile Fiber Products Identi-
21 fication Act (15 U.S.C. 70b)), the disclosure in
22 labeling required by such Act;

23 (iii) a wool product (as defined in section
24 2 of the Wool Products Labeling Act of 1939
25 (15 U.S.C. 68)), the disclosure in labeling re-
26 quired by such Act;

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

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

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

15 (2) indicates in a conspicuous place the country
16 in which the seller of the product is located (and, if
17 applicable, the country in which any parent corpora-
18 tion of such seller is located), in a manner consistent
19 with the regulations prescribed under such section
20 304.

21 (b) LIMITATION.—The disclosure of a product's coun-
22 try of origin required pursuant to subsection (a)(1) shall
23 not be made in such a manner as to represent to a con-
24 sumer that the product is in whole, or substantial part,
25 of domestic origin consistent with the decisions and orders

1 of the Commission issued pursuant to section 5 of the
2 Federal Trade Commission Act (15 U.S.C. 5).

3 (c) APPLICATION TO THIRD-PARTY MARKET-
4 PLACE.—

5 (1) IN GENERAL.—Notwithstanding section
6 230(c)(1) of the Communications Act of 1934 (47
7 U.S.C. 230(c)(1)), subject to paragraph (2), the re-
8 quirements of this section shall apply to the provider
9 or publisher of any internet marketplace.

10 (2) LIMITATION.—The requirements of this sec-
11 tion shall not apply to the provider or publisher of
12 any internet website marketplace that can dem-
13 onstrate that it acted in good faith reliance on the
14 written designation of a product’s country of origin
15 made by a product’s manufacturer, marketer, or im-
16 porter.

17 **SEC. 3. PROHIBITION ON FALSE AND MISLEADING REP-**
18 **RESENTATION OF UNITED STATES ORIGIN ON**
19 **PRODUCTS.**

20 (1) UNLAWFUL ACTIVITY.—Notwithstanding
21 any other provision of law, including section
22 230(c)(1) of the Communications Act of 1934 (47
23 U.S.C. 230(c)(1)), it shall be unlawful to make any
24 false or deceptive representation that a product or
25 its parts or processing are of United States origin

1 in any labeling, advertising, or other promotional
2 materials, or any other form of marketing, including
3 marketing through digital or electronic means in the
4 United States.

5 (2) DECEPTIVE REPRESENTATION.—For pur-
6 poses of paragraph (1), a representation as to
7 United States origin is deceptive if, at the time the
8 representation is made, it cannot be substantiated as
9 an unqualified or qualified express or implied origin
10 claim in accordance with—

11 (A) the Commission’s Enforcement Policy
12 Statement on U.S. Origin Claims (62 Fed. Reg.
13 63756 et seq.); or

14 (B) such further rules or policies as the
15 Commission may publish from time to time.

16 **SEC. 4. ENFORCEMENT BY COMMISSION.**

17 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
18 A violation of section 2 or 3 shall be treated as a violation
19 of a rule defining an unfair or a deceptive act or practice
20 under section 18(a)(1)(B) of the Federal Trade Commis-
21 sion Act (15 U.S.C. 57a(a)(1)(B)).

22 (b) POWERS OF THE FEDERAL TRADE COMMIS-
23 SION.—

24 (1) IN GENERAL.—The Commission shall en-
25 force this Act in the same manner, by the same

1 means, and with the same jurisdiction, powers, and
2 duties as though all applicable terms and provisions
3 of the Federal Trade Commission Act (15 U.S.C. 41
4 et seq.) were incorporated into and made a part of
5 this Act.

6 (2) PRIVILEGES AND IMMUNITIES.—Any person
7 that violates section 2 or 3 shall be subject to the
8 penalties and entitled to the privileges and immuni-
9 ties provided in the Federal Trade Commission Act
10 (15 U.S.C. 41 et seq.) as though all applicable terms
11 and provisions of that Act were incorporated and
12 made part of this Act.

13 (3) AUTHORITY PRESERVED.—Nothing in this
14 Act may be construed to limit the authority of the
15 Commission under any other provision of law.

16 **SEC. 5. DEFINITION OF COMMISSION.**

17 In this Act, the term “Commission” means the Fed-
18 eral Trade Commission.

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