

118TH CONGRESS  
1ST SESSION

# S. 1421

To require origin and location disclosure for new products of foreign origin offered for sale on the internet.

---

IN THE SENATE OF THE UNITED STATES

MAY 3, 2023

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

---

## A BILL

To require origin and location disclosure for new products of foreign origin offered for sale on the internet.

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”.

6 **SEC. 2. MANDATORY ORIGIN AND LOCATION DISCLOSURE**

7 **FOR NEW PRODUCTS OF FOREIGN ORIGIN**

8 **OFFERED FOR SALE ON THE INTERNET.**

9 (a) MANDATORY DISCLOSURE.—

1 (1) IN GENERAL.—

2 (A) DISCLOSURE.—Subject to subpara-  
3 graph (B), it shall be unlawful for a product  
4 that is marked or required to be marked under  
5 section 304 of the Tariff Act of 1930 (19  
6 U.S.C. 1304) to be introduced, sold, advertised,  
7 or offered for sale in commerce on an internet  
8 website unless the internet website description  
9 of the product indicates in a conspicuous  
10 place—

11 (i) the country of origin of the prod-  
12 uct (or, in the case of a multi-sourced  
13 product, the countries of origin), in a man-  
14 ner consistent with the regulations pre-  
15 scribed under such section 304; and

16 (ii) the country in which the seller of  
17 the product has its principal place of busi-  
18 ness.

19 (B) EXCLUSIONS.—

20 (i) AGRICULTURAL PRODUCTS.—The  
21 disclosure requirements under clauses (i)  
22 and (ii) of subparagraph (A) shall not  
23 apply to—

24 (I) a covered commodity (as de-  
25 fined in section 281 of the Agricul-

1 tural Marketing Act of 1946 (7  
2 U.S.C. 1638));

3 (II) a meat or meat food product  
4 subject to inspection under the Fed-  
5 eral Meat Inspection Act (21 U.S.C.  
6 601 et seq.);

7 (III) a poultry or poultry product  
8 subject to inspection under the Poul-  
9 try Products Inspection Act (21  
10 U.S.C. 451 et seq.); or

11 (IV) an egg product subject to  
12 regulation under the Egg Products  
13 Inspection Act (21 U.S.C. 1031 et  
14 seq.).

15 (ii) FOOD AND DRUGS.—The disclo-  
16 sure requirements under clauses (i) and  
17 (ii) of subparagraph (A) shall not apply to  
18 a food or drug (as those terms are defined  
19 in paragraphs (f) and (g), respectively, of  
20 section 201 of the Federal Food, Drug,  
21 and Cosmetic Act (21 U.S.C. 321) that is  
22 subject to the jurisdiction of the Food and  
23 Drug Administration.

24 (iii) USED OR PREVIOUSLY OWNED  
25 ARTICLES.—The disclosure requirements

1 under clauses (i) and (ii) of subparagraph  
2 (A) shall not apply to any used or pre-  
3 viously owned article sold by an internet  
4 website marketplace or a seller on an inter-  
5 net website marketplace. For the purposes  
6 of the preceding sentence, the term “used  
7 or previously owned article” means an arti-  
8 cle that was previously sold or offered for  
9 sale at retail.

10 (iv) SMALL SELLER.—The disclosure  
11 requirements under clauses (i) and (ii) of  
12 subparagraph (A) shall not apply to goods  
13 listed by a small seller. For the purposes  
14 of the preceding sentence, the term “small  
15 seller” means a seller with annual sales of  
16 less than \$20,000 and fewer than 200 dis-  
17 crete sales.

18 (C) MULTI-SOURCED PRODUCTS.—For  
19 purposes of subparagraph (A)(i), a product  
20 shall be considered to be a “multi-sourced prod-  
21 uct” if a seller offers for sale a finished prod-  
22 uct, identical versions of which are produced in  
23 multiple countries.

24 (2) CERTAIN DRUG PRODUCTS.—It shall be un-  
25 lawful for a drug that is not subject to section

1 503(b)(1) of the Federal Food, Drug, and Cosmetic  
2 Act (21 U.S.C. 353(b)(1)) and that is required to be  
3 marked under section 304 of the Tariff Act of 1930  
4 (19 U.S.C. 1304) to be offered for sale in commerce  
5 to consumers on an internet website unless the inter-  
6 net website description of the drug indicates in a  
7 conspicuous place the name and place of business of  
8 the manufacturer, packer, or distributor that is re-  
9 quired to appear on the label of the drug in accord-  
10 ance with section 502(b) of the Federal Food, Drug,  
11 and Cosmetic Act (21 U.S.C. 352(b)).

12 (3) OBLIGATION TO PROVIDE.—A manufac-  
13 turer, importer, distributor, seller, supplier, or pri-  
14 vate labeler seeking to have a product introduced,  
15 sold, advertised, or offered for sale in commerce  
16 shall provide the information identified clauses (i)  
17 and (ii) of paragraph (1)(A) or paragraph (2), as  
18 applicable, to the relevant retailer.

19 (4) SAFE HARBOR.—A retailer or a seller on an  
20 internet website marketplace satisfies the disclosure  
21 requirements under clauses (i) and (ii) of paragraph  
22 (1)(A) or paragraph (2), as applicable, if the disclo-  
23 sure includes the country of origin and seller infor-  
24 mation provided by a third-party manufacturer, im-

1 porter, distributor, seller, supplier, or private labeler  
2 of the product.

3 (b) ENFORCEMENT BY THE COMMISSION.—

4 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
5 TICES.—A violation of subsection (a) shall be treated  
6 as a violation of a rule prescribed under section  
7 18(a)(1)(B) of the Federal Trade Commission Act  
8 (15 U.S.C. 57a(a)(1)(B)).

9 (2) POWERS OF THE COMMISSION.—

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

17 (B) PRIVILEGES AND IMMUNITIES.—Any  
18 person that violates subsection (a) shall be sub-  
19 ject to the penalties and entitled to the privi-  
20 leges and immunities provided in the Federal  
21 Trade Commission Act (15 U.S.C. 41 et seq.)  
22 as though all applicable terms and provisions of  
23 that Act were incorporated and made part of  
24 this section.

1 (C) AUTHORITY PRESERVED.—Nothing in  
2 this section may be construed to limit the au-  
3 thority of the Commission under any other pro-  
4 vision of law.

5 (3) INTERAGENCY AGREEMENT.—Not later  
6 than 6 months after the date of enactment of this  
7 section, the Commission, the U.S. Customs and Bor-  
8 der Protection, and the Department of Agriculture  
9 shall—

10 (A) enter into a Memorandum of Under-  
11 standing or other appropriate agreement for the  
12 purpose of providing consistent implementation  
13 of this section; and

14 (B) publish such agreement to provide  
15 public guidance.

16 (4) DEFINITION OF COMMISSION.—In this sub-  
17 section, the term “Commission” means the Federal  
18 Trade Commission.

19 (c) LIMITATION OF LIABILITY.—A retailer or seller  
20 is not in violation of subsection (a) if—

21 (1) a third-party manufacturer, distributor, sell-  
22 er, supplier, or private labeler provided the retailer  
23 or seller with a false or deceptive representation as  
24 to the country of origin of a product or its parts or  
25 processing; and

1 (2) the retailer or seller—

2 (A) relied in good faith on that representa-  
3 tion; and

4 (B) took immediate action to remove any  
5 such false or deceptive representations upon no-  
6 tice.

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

12 (e) *EFFECTIVE DATE.*—This section shall take effect  
13 12 months after the date of the publication of the Memo-  
14 randum of Understanding or agreement under subsection  
15 (b)(3).

○