

119TH CONGRESS  
1ST SESSION

# H. R. 6318

To prohibit price gouging with respect to goods subject to a tariff, and  
for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2025

Ms. DELAURO (for herself, Ms. CRAIG, Ms. OCASIO-CORTEZ, Mr. MCGOVERN, Mr. NADLER, Ms. VELÁZQUEZ, Ms. SCHAKOWSKY, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To prohibit price gouging with respect to goods subject to  
a tariff, 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 “No Gratuitous Over-  
5 charging for Ubiquitous Global Exports Act” or the “No  
6 GOUGE Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the Federal Trade Commission.

3           (2) COMPONENT.—The term “component”  
4 means a good that is offered for sale to consumers  
5 through incorporation into a final good.

6           (3) FINAL GOOD.—The term “final good”  
7 means a good that does not require any further as-  
8 sembly to be ready for sale to consumers.

9           (4) GOOD.—The term “good” means any good  
10 offered for sale in commerce.

11          (5) PLANNED TARIFF.—The term “planned tar-  
12 iff” means a tariff, including a tariff rate change,  
13 that is intended to be imposed, as demonstrated by  
14 a written or spoken statement by the President, the  
15 United States Trade Representative, the Secretary  
16 of Commerce, or another senior Federal official de-  
17 termined appropriate by the Commission, including  
18 by means of a press release, a comment at a press  
19 conference, meeting, or public event, or any other  
20 public communication.

21          (6) STATE.—The term “State” means each of  
22 the several States, the District of Columbia, each  
23 commonwealth, territory, or possession of the United  
24 States, and each federally recognized Indian Tribe.

1           (7) TARIFFED GOOD.—The term “tariffed  
2 good” means the following:

3           (A) A final good that is subject to a tariff,  
4 including a tariff rate change, that entered into  
5 force on or after January 20, 2025.

6           (B) A good that is assembled, in whole or  
7 in part, in the United States and that has a  
8 component that is subject to a tariff, including  
9 a tariff rate change, that entered into force on  
10 or after January 20, 2025.

11           (C) A component that is subject to a tariff,  
12 including a tariff rate change, that entered into  
13 force on or after January 20, 2025.

14           (D) A final good, a good assembled in the  
15 United States, or a component with respect to  
16 which there is a planned tariff.

17           (8) TARIFF-RELATED SHOCK DATE.—The term  
18 “tariff-related shock date” means any date with re-  
19 spect to which—

20           (A) tariffs or planned tariffs, including tar-  
21 iff rate changes, with respect to at least 5 tariff  
22 lines entered into force or were demonstrated  
23 by a written or spoken statement, as the case  
24 may be, during the 30-day period preceding

1           such date (without regard to the number of  
2           trading partners involved); or

3           (B) a tariff rate change, including a  
4           planned tariff to the extent such planned tariff  
5           relates to a tariff rate change, that increases by  
6           more than 25 percentage points an existing tar-  
7           riff rate entered into force or was demonstrated  
8           by a written or spoken statement, as the case  
9           may be, during the 30-day period preceding  
10          such date.

11          (9) ULTIMATE PARENT ENTITY.—The term “ul-  
12          timate parent entity” has the meaning given such  
13          term in section 801.1 of title 16, Code of Federal  
14          Regulations (or any successor regulation).

15 **SEC. 3. PRICE GOUGING PROHIBITED.**

16          (a) PROHIBITION.—

17               (1) IN GENERAL.—No person, without regard  
18               to the position of such person in a supply chain or  
19               distribution network, may sell or offer for sale in the  
20               United States a tariffed good at an unreasonably  
21               high price during the 5-year period that follows the  
22               date on which any tariff or planned tariff applicable  
23               to such tariffed good entered into force or was dem-  
24               onstrated by a written or spoken statement, as the  
25               case may be.

1 (2) UNREASONABLY HIGH PRICE.—

2 (A) IN GENERAL.—For purposes of this  
3 section, a person is selling or offering for sale  
4 a tariffed good at an unreasonably high price if  
5 such person—

6 (i) has raised the price of a tariffed  
7 good that is a final good by more than the  
8 amount of the costs directly generated—

9 (I) by the imposition of a tariff  
10 with respect to such good; or

11 (II) by—

12 (aa) the imposition of a tar-  
13 iff with respect to such good; and

14 (bb) additional costs (not in-  
15 cluding costs relating to in-  
16 creased executive compensation  
17 or share repurchase programs)  
18 incurred by such person in pro-  
19 viding such good that dem-  
20 onstrate a tariff was not used by  
21 such person as a pretext for a  
22 price increase;

23 (ii) has raised the price of a tariffed  
24 good that is a good assembled, in whole or  
25 in part, in the United States and with re-

1           spect to which a tariff applies to a compo-  
2           nent of such good by more than the  
3           amount of the costs directly generated—

4                       (I) by the imposition of a tariff  
5           with respect to such component; or

6                       (II) by—

7                               (aa) the imposition of a tar-  
8                       iff with respect to such compo-  
9                       nent; and

10                              (bb) additional costs (not in-  
11                       cluding costs relating to in-  
12                       creased executive compensation  
13                       or share repurchase programs)  
14                       incurred by such person in pro-  
15                       viding such good that dem-  
16                       onstrate a tariff was not used by  
17                       such person as a pretext for a  
18                       price increase; or

19                       (iii) has raised the price of a tariffed  
20           good that is a component by more than the  
21           amount of the costs directly generated—

22                       (I) by the imposition of a tariff  
23           with respect to such component; or

24                       (II) by—

1 (aa) the imposition of a tariff  
2 with respect to such component;  
3 and

4 (bb) additional costs (not including  
5 costs relating to increased  
6 executive compensation or share  
7 repurchase programs) incurred by  
8 such person in providing such  
9 good that demonstrate a tariff  
10 was not used by such person as  
11 a pretext for a price increase.  
12

13 (B) PLANNED TARIFFS.—With respect to  
14 a tariffed good described in section 2(7)(D), no  
15 costs may be determined to be directly  
16 generated by the imposition of a tariff with respect  
17 to such good before the date on which a tariff  
18 enters into force with respect to such good.

19 (C) BASELINE PRICE DETERMINATIONS.—  
20 For purposes of this paragraph, the price of a  
21 tariffed good prior to the date on which any  
22 tariff or planned tariff applicable to such  
23 tariffed good entered into force or was demonstrated  
24 by a written or spoken statement, as  
25 the case may be, shall be determined by ref-

1           erence to the average price of such good during  
2           the 180-day period preceding such date.

3       (b) EXEMPTION.—

4           (1) IN GENERAL.—Subsection (a) does not  
5       apply to the sale, or offering for sale, of a good by  
6       a person if the ultimate parent entity with respect  
7       to such person earned less than \$100,000,000 in  
8       gross revenue from goods sold in the United States  
9       during the 12-month period preceding such sale or  
10      offer.

11          (2) INFLATION ADJUSTMENT.—In January of  
12      the first year beginning after the date of the enact-  
13      ment of this Act, and annually thereafter, the Com-  
14      mission shall adjust the amount specified in para-  
15      graph (1) by the percentage change in the consumer  
16      price index for all urban consumers published by the  
17      Bureau of Labor Statistics with respect to the 12-  
18      month period preceding the date of such adjustment.

19      (c) PRESUMPTION OF VIOLATION.—

20          (1) IN GENERAL.—With respect to any tariff-  
21      related shock date, a person shall be presumed to be  
22      in violation of subsection (a) if a preponderance of  
23      the evidence demonstrates—

24              (A) such person has unfair leverage (as de-  
25      scribed in paragraph (3)); and



1 (B) such person sold or offered for sale on  
2 such date a tariffed good at a price that was  
3 greater than the average price of such good  
4 during the 180-day period preceding the date  
5 on which the most recent tariff or planned tar-  
6 iff applicable to such good entered into force or  
7 was demonstrated by a written or spoken state-  
8 ment, as the case may be.

9 (2) REBUTTAL.—A person may rebut a pre-  
10 sumption under paragraph (1) if such person dem-  
11 onstrates by clear and convincing evidence that the  
12 relevant increase in the price of a tariffed good is at-  
13 tributable, in full, to costs directly generated—

14 (A) by the imposition of a tariff with re-  
15 spect to such tariffed good; or

16 (B) by—

17 (i) the imposition of a tariff with re-  
18 spect to such tariffed good; and

19 (ii) additional costs (not including  
20 costs relating to increased executive com-  
21 pensation or share repurchase programs)  
22 incurred by such person in providing such  
23 tariffed good that demonstrate that such  
24 tariff was not used by such person as a  
25 pretext for such increase.

1 (3) UNFAIR LEVERAGE.—

2 (A) CHARACTERISTICS.—For purposes of  
3 this subsection, a person has unfair leverage if  
4 such person or the ultimate parent entity of  
5 such person—

6 (i) earned at least \$1,000,000,000 in  
7 gross revenue from goods sold in the  
8 United States during the 12-month period  
9 preceding the relevant sale or offer; or

10 (ii) satisfies another characteristic set  
11 forth in a regulation promulgated by the  
12 Commission with respect to determining  
13 unfair leverage.

14 (B) INFLATION ADJUSTMENT.—In Janu-  
15 ary of the first year beginning after the date of  
16 the enactment of this Act, and annually there-  
17 after, the Commission shall adjust the amount  
18 specified in subparagraph (A)(i) by the percent-  
19 age change in the consumer price index for all  
20 urban consumers published by the Bureau of  
21 Labor Statistics with respect to the 12-month  
22 period preceding the date of such adjustment.

23 (C) CONSIDERATIONS.—In promulgating  
24 regulations under subparagraph (A)(ii), the

1 Commission shall consider the capacity of a  
2 person to do the following:

3 (i) Absorb, in whole or in part, costs  
4 directly generated by a tariff.

5 (ii) Increase production, in the United  
6 States, of a good that is identical or sub-  
7 stantially similar to a tariffed good.

8 (d) REGULATIONS.—

9 (1) IN GENERAL.—The Commission may pro-  
10 mulgate, in accordance with section 553 of title 5,  
11 United States Code, such regulations as may be nec-  
12 essary to carry out this section.

13 (2) INTERAGENCY CONSULTATION.—The Com-  
14 mission, in promulgating regulations under this sub-  
15 section, shall consult with the United States Trade  
16 Representative, the United States International  
17 Trade Commission, U.S. Customs and Border Pro-  
18 tection, and the Bureau of Labor Statistics.

19 (e) ENFORCEMENT BY COMMISSION.—

20 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
21 TICES.—A violation of this section or a regulation  
22 promulgated under this section shall be treated as a  
23 violation of a regulation under section 18(a)(1)(B)  
24 of the Federal Trade Commission Act (15 U.S.C.

1       57a(a)(1)(B)) regarding unfair or deceptive acts or  
2       practices.

3           (2) POWERS OF COMMISSION.—The Commis-  
4       sion shall enforce this section and the regulations  
5       promulgated under this section in the same manner,  
6       by the same means, and with the same jurisdiction,  
7       powers, and duties as though all applicable terms  
8       and provisions of the Federal Trade Commission Act  
9       (15 U.S.C. 41 et seq.) were incorporated into and  
10      made a part of this section. Any person who violates  
11      this section or a regulation promulgated under this  
12      section shall be subject to the penalties and entitled  
13      to the privileges and immunities provided in the  
14      Federal Trade Commission Act.

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

18      (f) ACTIONS BY STATES.—

19          (1) IN GENERAL.—In any case in which the at-  
20      torney general of a State, or an official or agency of  
21      a State, has reason to believe that an interest of the  
22      residents of such State has been or is threatened or  
23      adversely affected by an act or practice in violation  
24      of this section or a regulation promulgated under  
25      this section, the State, as *parens patriae*, may bring

1 a civil action on behalf of the residents of the State  
2 in an appropriate State court or an appropriate dis-  
3 trict court of the United States to—

4 (A) enjoin such act or practice;

5 (B) enforce compliance with this section or  
6 such regulation;

7 (C) obtain damages, restitution, or other  
8 compensation on behalf of residents of the  
9 State; or

10 (D) obtain such other legal and equitable  
11 relief as the court may consider to be appro-  
12 priate.

13 (2) NOTICE.—Before filing an action under this  
14 subsection, the attorney general, official, or agency  
15 of the State involved shall provide to the Commis-  
16 sion a written notice of such action and a copy of  
17 the complaint for such action. If the attorney gen-  
18 eral, official, or agency determines that it is not fea-  
19 sible to provide the notice described in this para-  
20 graph before the filing of the action, the attorney  
21 general, official, or agency shall provide written no-  
22 tice of the action and a copy of the complaint to the  
23 Commission immediately upon the filing of the ac-  
24 tion.

1           (3) AUTHORITY OF COMMISSION.—On receiving  
2       notice under paragraph (2) of an action under this  
3       subsection, the Commission shall have the right—

4                   (A) to intervene in the action;

5                   (B) upon so intervening, to be heard on all  
6       matters arising therein; and

7                   (C) to file petitions for appeal.

8       (4) RULES OF CONSTRUCTION.—

9           (A) EXERCISING OF CERTAIN POWERS.—

10       For purposes of bringing a civil action under  
11       this subsection, nothing in this Act may be con-  
12       strued to prevent an attorney general, official,  
13       or agency of a State from exercising the powers  
14       conferred on the attorney general, official, or  
15       agency by the laws of such State to conduct in-  
16       vestigations, administer oaths and affirmations,  
17       or compel the attendance of witnesses or the  
18       production of documentary and other evidence.

19           (B) STATE PROCEEDINGS.—Nothing in  
20       this subsection may be construed to prohibit an  
21       authorized official of a State from initiating or  
22       continuing any proceeding in a court of the  
23       State for a violation of any civil or criminal law  
24       of the State.

1 (g) EFFECT ON OTHER LAWS.—Nothing in this sec-  
2 tion may be construed to preempt or otherwise affect any  
3 State or local law.

4 (h) REPORTING BY CONSUMERS AND RELATED IN-  
5 VESTIGATIONS.—

6 (1) IN GENERAL.—Not later than 180 days  
7 after the date of the enactment of this Act, the  
8 Commission shall establish a mechanism for con-  
9 sumers to report to the Commission potential viola-  
10 tions of this section.

11 (2) REQUIREMENTS.—The mechanism estab-  
12 lished under paragraph (1) shall allow a consumer to  
13 report a potential violation by a variety of means, in-  
14 cluding the following:

15 (A) A telephone number.

16 (B) A mailing address.

17 (C) A website.

18 (3) CONSIDERATION.—Not later than 180 days  
19 after the date of the enactment of this Act, the  
20 Commission shall promulgate regulations estab-  
21 lishing, and providing a detailed description of, the  
22 process by which the Commission shall consider re-  
23 ports provided through the mechanism established  
24 under paragraph (1) and, if applicable, open inves-  
25 tigations into potential violations of this section.

1           (4) RULE OF CONSTRUCTION.—Nothing in this  
2           subsection may be construed to preclude the Com-  
3           mission from unilaterally initiating an investigation  
4           of a potential violation of this section.

5 **SEC. 4. REPORTS.**

6           (a) ITC AND BLS REPORT.—

7           (1) IN GENERAL.—Not later than 1 year after  
8           the date of the enactment of this Act, and annually  
9           thereafter, the United States International Trade  
10          Commission and the Bureau of Labor Statistics  
11          shall jointly submit to Congress, and make available  
12          to the public, a report on the prices of goods sold  
13          by any company earning \$1,000,000,000 or more in  
14          gross revenue during the prior year, with a focus on  
15          identifying changes in the prices of tariffed goods.

16          (2) SUFFICIENCY OF SURVEYS.—

17                (A) IN GENERAL.—Prior to submission of  
18                the first report required under paragraph (1),  
19                the Bureau of Labor Statistics shall identify  
20                whether the existing surveys of the Bureau col-  
21                lect sufficiently granular data with respect to  
22                pricing decisions and consumer prices to effec-  
23                tively identify price increases for tariffed goods.

24                (B) DEVELOPMENT OF NEW SURVEYS.—If  
25                the Bureau of Labor Statistics determines



1           under subparagraph (A) that the surveys of the  
2           Bureau are insufficient, the Bureau shall de-  
3           velop and include in such surveys new questions  
4           to collect the data necessary for the report re-  
5           quired under paragraph (1).

6           (b) FTC REPORT.—Not later than 1 year after the  
7   date of the enactment of this Act, and annually thereafter,  
8   the Commission shall submit to Congress, and make avail-  
9   able to the public, a report on the enforcement activities  
10  of the Commission under this Act, which shall include an  
11  assessment of the impact of the enforcement of this Act  
12  on consumer prices, both for tariffed goods and all goods.

○