

116TH CONGRESS  
1ST SESSION

# S. 2208

To require online retailers to prominently disclose product country-of-origin information, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require online retailers to prominently disclose product country-of-origin information, 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 “Promoting Responsi-  
5       bility In Markets and E-Retailers Act of 2019” or the  
6       “PRIME Act”.

7       **SEC. 2. DEFINITIONS.**

8       In this Act:

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

1           (2) COUNTRY OF ORIGIN.—The term “country  
2 of origin” has the meaning given such term for pur-  
3 poses of section 304 of the Tariff Act of 1939 (19  
4 U.S.C. 1304).

5           (3) INTERNET APPLICATION.—The term “inter-  
6 net application” means a computer program or soft-  
7 ware application that is downloaded by a user to an  
8 internet-connected device.

9           (4) ONLINE RETAIL PLATFORM.—The term  
10 “online retail platform” means any internet website  
11 or other online platform through which products are  
12 sold.

13 **SEC. 3. COUNTRY OF ORIGIN REQUIREMENTS FOR ONLINE**  
14 **RETAILERS AND SELLERS.**

15           (a) IN GENERAL.—Beginning on the date that is 180  
16 days after the date of the promulgation of final regulations  
17 implementing this section—

18           (1) it shall be unlawful for any person to oper-  
19 ate an online retail platform that does not comply  
20 with the requirements of subsection (b); and

21           (2) it shall be unlawful for any person who of-  
22 fers a product for sale through an online retail plat-  
23 form to knowingly provide false information to the  
24 platform with respect to the country of origin of  
25 such product.

1 (b) COUNTRY OF ORIGIN DISCLOSURE REQUIRE-  
2 MENTS.—The requirements of this subsection, with re-  
3 spect to an online retail platform, are the following:

4 (1) The online retail platform requires any per-  
5 son who wishes to sell a product through the plat-  
6 form to provide the platform with information on the  
7 country of origin of such product which shall in-  
8 clude, if applicable, the country of origin of the  
9 product as the product is marked or labeled pursu-  
10 ant to section 304 of the Tariff Act of 1930 (19  
11 U.S.C. 1304) and the regulations promulgated under  
12 such Act.

13 (2) With respect to any article of foreign origin  
14 imported into the United States that is subject to  
15 the country of origin marking requirement of section  
16 304 of the Tariff Act of 1930 (19 U.S.C. 1304) and  
17 is offered for sale on the online retail platform, the  
18 platform discloses, in a conspicuous manner and in  
19 the same language that is used on the rest of the  
20 platform, the name of the country of origin (as such  
21 term is defined for purposes of such section 304) of  
22 that article.

1 **SEC. 4. COUNTRY OF ORIGIN DISCLOSURE REQUIREMENTS**  
2 **FOR SELLERS OF INTERNET APPLICATIONS.**

3 Beginning on the date that is 180 days after the date  
4 of the promulgation of final regulations implementing this  
5 section—

6 (1) it shall be unlawful for any person to sell  
7 or distribute an internet application unless the per-  
8 son discloses to any individual who downloads such  
9 application, in a clear and conspicuous manner and  
10 in the same language that is used on the rest of the  
11 platform on which such application is sold or distrib-  
12 uted—

13 (A) the country in which the developer of  
14 such application is located;

15 (B) the country in which the publisher of  
16 such application is located; and

17 (C) if applicable, the country in which the  
18 parent corporation of such developer or pub-  
19 lisher is located; and

20 (2) it shall be unlawful for the developer or  
21 publisher of an internet application to knowingly  
22 provide false information to a seller or distributor of  
23 internet applications with respect to the country in  
24 which such developer or publisher or the parent cor-  
25 poration of such developer or publisher is located.

1 **SEC. 5. ENFORCEMENT.**

2 (a) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—

3 A violation of this Act shall be treated as a violation of  
4 a rule defining an unfair or deceptive act or practice pre-  
5 scribed under section 18(a)(1)(B) of the Federal Trade  
6 Commission Act (15 U.S.C. 57a(a)(1)(B)).

7 (b) POWERS OF COMMISSION.—

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

15 (2) PRIVILEGES AND IMMUNITIES.—Any person  
16 that violates this Act shall be subject to the pen-  
17 alties (including the provisions of subsections (l) and  
18 (m) of section 5 of such Act which provide for a  
19 maximum civil penalty per violation of \$42,350 (as  
20 of February 14, 2019)), and entitled to the privi-  
21 leges and immunities, provided in the Federal Trade  
22 Commission Act (15 U.S.C. 41 et seq.).

23 (c) CONSULTATION WITH U.S. CUSTOMS AND BOR-  
24 DER PROTECTION.—In carrying out this Act and promul-  
25 gating rules under this Act, the Commission shall consult

1 with the Commissioner of U.S. Customs and Border Pro-  
2 tection.

3 (d) RULEMAKING.—The Commission shall promul-  
4 gate in accordance with section 553 of title 5, United  
5 States Code, such rules as may be necessary to carry out  
6 this Act.

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