

116TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on _____

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.