

May 17, 2021

The Honorable Maria Cantwell
Chairwoman
Senate Committee on Commerce,
Science and Transportation
Washington, DC 20510

The Honorable Roger Wicker
Ranking Member
Senate Committee on Commerce
Science and Transportation
Washington, DC 20510

RE: Remove COOL Online Act Amendment to Endless Frontier Act

Dear Chairman Cantwell and Ranking Member Wicker,

On behalf of the undersigned trade associations, we are writing to urge you to remove the Country of Origin Labeling Online Act amendment (Baldwin 1) that was included in the Endless Frontier Act markup last week. We are concerned about the broad impact this bill will have on all retailers and sellers who operate in an online environment, whether they are a marketplace or just have an ecommerce website.

Determining the country of origin is an extremely complex issue that is determined through our trade laws and enforced by U.S. Customs and Border Protection. Despite how the amendment was described, it does not create parity between brick and mortar and online stores.

The amendment will create a new liability for retailers and sellers to not only post the information but certify the accuracy of the information provided by product vendors. This is not required for products sold on store shelves. The country-of-origin information is affixed to the product by the manufacturer, which the consumer can see on the box or product label. The amendment does not include a corresponding obligation for manufacturers, rights owners, distributors and sellers to provide the country of origin of their products to retailers selling the product.

We are also concerned about the ability of the Federal Trade Commission to enforce the new requirement. We do not believe the FTC has the ability to make appropriate determinations on the country-of-origin determination, which is enforced by U.S. Customs and Border protection.

Finally, this provision should be removed from the bill because the Committee has not discussed or considered this issue previously. It should not attach it to a carefully crafted, bipartisan bill. The amendment was not given proper consideration or debate and stakeholders were not afforded an opportunity to discuss their concerns.

We welcome the opportunity to work with you on this issue, but again believe it should be removed from the underlying bill. Thank you for your consideration.

Sincerely,



CC: Senate Commerce, Science and Transportation Committee Members