April 1, 2022

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC 20515

RE: Remove COOL Online Act from China Competition Bill

Dear Majority Leader Schumer, Republican Leader McConnell, Speaker Pelosi and Republican Leader McCarthy,

As Congress begins to reconcile the differences between the House and Senate China competition bills, the undersigned trade associations are writing to reiterate our strong opposition to the Country-of-Origin Online Labeling (Section 2510) provision that was included in the Senate passed United States Innovation and Competition Act (S. 1260). The provision was not included in the House passed bill (H.R. 4521) and we urge its removal from the final conference.

We remain concerned about the broad impact that this provision 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 for a product is an extremely complex issue that is determined through our trade laws and enforced by U.S. Customs and Border Protection. We do not believe the FTC has the ability to make appropriate determinations on the country-of-origin determination as required by the provision.

The provision will not create parity among brick-and-mortar and online stores. It will create a new liability for retailers and sellers to not only post the required information but certify the accuracy of the information provided by product vendors. Unfortunately, it 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.

Online retail has provided a critical lifeline for businesses and consumers alike throughout the pandemic. With supply chains already facing significant challenges, the introduction of burdensome and unvetted new requirements will only exacerbate current constraints and harm the ability of American artisans, farmers, manufacturers, and distributors to efficiently bring goods to market.

Finally, we continue to believe that the provision was not given proper consideration when first considered in the Senate. There are many unanswered questions about the practicality, administrability and enforcement of this provision.

We urge House-Senate conferees to remove this controversial provision from a final conference package on a China competition bill. Thank you for your consideration.

Sincerely,

1. American Bakers Association
2. American Frozen Food Institute
3. Auto Care Association
4. Chamber of Progress
5. Coalition to Protect America's Small Sellers (PASS Coalition)
6. Computer & Communications Industry Association (CCIA)
7. Computing Technology Industry Association (CompTIA)
8. Consumer Brands Association
9. Consumer Technology Association
10. Corn Refiners Association
11. FMI – the Food Industry Association
12. Information Technology Industry Council (ITI)
13. International Housewares Association
14. National Cattlemen's Beef Association
15. National Confectioners Association
16. National Foreign Trade Council
17. National Grocers Association
18. National Retail Federation
19. North American Meat Institute
20. Meat Import Council of America
21. Outdoor Industry Association
22. Pet Food Institute
23. Promotional Products Association International (PPAI)
24. Retail Industry Leaders Association
25. Snowsports Industries America
26. Specialty Equipment Market Association
27. TechNet
28. U.S. Chamber of Commerce
29. United States Council for International Business
30. United States Fashion Industry Association (USFIA)

CC: Members of the United States Senate
        Members of the United States. House of Representatives