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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Gratuitous Overcharging for Ubiquitous Global Exports Act" or the "No GOUGE Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) COMPONENT.—The term ''component'' means a good that is offered for sale to consumers through incorporation into a final good.

(3) FINAL GOOD.—The term ''final good'' means a good that does not require any further assembly to be ready for sale to consumers.

(4) GOOD.—The term ''good'' means any good offered for sale in commerce.

(5) PLANNED TARIFF.—The term ''planned tariff'' means a tariff, including a tariff rate change, that is intended to be imposed, as demonstrated by a written or spoken statement by the President, the United States Trade Representative, the Secretary of Commerce, or another senior Federal official determined appropriate by the Commission, including by means of a press release, a comment at a press conference, meeting, or public event, or any other public communication.

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

(7) TARIFFED GOOD.—The term ''tariffed good'' means the following:

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

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

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

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

(8) TARIFF-RELATED SHOCK DATE.—The term ''tariff-related shock date'' means any date with respect to which—

(A) tariffs or planned tariffs, including tariff rate changes, with respect to at least 5 tariff lines entered into force or were demonstrated by a written or spoken statement, as the case may be, during the 30-day period preceding such date (without regard to the number of trading partners involved); or

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

(9) ULTIMATE PARENT ENTITY.—The term "ultimate parent entity" has the meaning given such term in section 801.1 of title 16, Code of Federal Regulations (or any successor regulation).

SEC. 3. PRICE GOUGING PROHIBITED.

(a) PROHIBITION.—

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

(2) UNREASONABLY HIGH PRICE.—

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

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

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

(II) by—

(aa) the imposition of a tariff with respect to such good; and

(bb) additional costs (not including costs relating to increased executive compensation or share repurchase programs) incurred by such person in providing such good that demonstrate a tariff was not used by such person as a pretext for a price increase;

(ii) has raised the price of a tariffed good that is a good assembled, in whole or in part, in the United States and with respect to which a tariff applies to a component of such good by more than the amount of the costs directly generated—

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

(II) by—

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

(bb) additional costs (not including costs relating to increased executive compensation or share repurchase programs) incurred by such person in providing such good that demonstrate a tariff was not used by such person as a pretext for a price increase; or

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

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

(II) by—

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

(bb) additional costs (not including costs relating to increased executive compensation or share repurchase programs) incurred by such person in providing such good that demonstrate a tariff was not used by such person as a pretext for a price increase.

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

(C) BASELINE PRICE DETERMINATIONS.—For purposes of this paragraph, the price of a tariffed good prior to the date on which any tariff or planned tariff applicable to such tariffed good entered into force or was demonstrated by a written or spoken statement, as the case may be, shall be determined by reference to the average price of such good during the 180-day period preceding such date.

(b) EXEMPTION.—

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

(2) INFLATION ADJUSTMENT.—In January of the first year beginning after the date of the enactment of this Act, and annually thereafter, the Commission shall adjust the amount specified in paragraph (1) by the percentage change in the consumer price index for all urban consumers published by the Bureau of Labor Statistics with respect to the 12-month period preceding the date of such adjustment.

(c) PRESUMPTION OF VIOLATION.—

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

(A) such person has unfair leverage (as described in paragraph (3)); and

(B) such person sold or offered for sale on such date a tariffed good at a price that was greater than the average price of such good during the 180-day period preceding the date on which the most recent tariff or planned tariff applicable to such good entered into force or was demonstrated by a written or spoken statement, as the case may be.

(2) REBUTTAL.—A person may rebut a presumption under paragraph (1) if such person demonstrates by clear and convincing evidence that the relevant increase in the price of a tariffed good is attributable, in full, to costs directly generated—

(A) by the imposition of a tariff with respect to such tariffed good; or

(B) by—

(i) the imposition of a tariff with respect to such tariffed good; and

(ii) additional costs (not including costs relating to increased executive compensation or share repurchase programs) incurred by such person in providing such tariffed good that demonstrate that such tariff was not used by such person as a pretext for such increase.

(3) UNFAIR LEVERAGE.—

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

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

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

(B) INFLATION ADJUSTMENT.—In January of the first year beginning after the date of the enactment of this Act, and annually thereafter, the Commission shall adjust the amount specified in subparagraph (A)(i) by the percentage change in the consumer price index for all urban consumers published by the Bureau of Labor Statistics with respect to the 12-month period preceding the date of such adjustment.

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

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

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

(ii) Increase production, in the United States, of a good that is identical or substantially similar to a tariffed good.

(d) REGULATIONS.—

(1) IN GENERAL.—The Commission may promulgate, in accordance with section 553 of title 5, United States Code, such regulations as may be necessary to carry out this section.

(2) INTERAGENCY CONSULTATION.—The Commission, in promulgating regulations under this subsection, shall consult with the United States Trade Representative, the United States International Trade Commission, U.S. Customs and Border Protection, and the Bureau of Labor Statistics.

(e) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or a regulation promulgated under this section shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C.

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

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

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

(f) ACTIONS BY STATES.—

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

a civil action on behalf of the residents of the State in an appropriate State court or an appropriate district court of the United States to—

(A) enjoin such act or practice;

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

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

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) NOTICE.—Before filing an action under this subsection, the attorney general, official, or agency of the State involved shall provide to the Commission a written notice of such action and a copy of the complaint for such action. If the attorney general, official, or agency determines that it is not feasible to provide the notice described in this paragraph before the filing of the action, the attorney general, official, or agency shall provide written notice of the action and a copy of the complaint to the Commission immediately upon the filing of the action.

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

(A) to intervene in the action;

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

(C) to file petitions for appeal.

(4) RULES OF CONSTRUCTION.—

(A) EXERCISING OF CERTAIN POWERS.—For purposes of bringing a civil action under this subsection, nothing in this Act may be construed to prevent an attorney general, official, or agency of a State from exercising the powers conferred on the attorney general, official, or agency by the laws of such State to conduct investigations, administer oaths and affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

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

(g) EFFECT ON OTHER LAWS.—Nothing in this section may be construed to preempt or otherwise affect any State or local law.

(h) REPORTING BY CONSUMERS AND RELATED INVESTIGATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish a mechanism for consumers to report to the Commission potential violations of this section.

(2) REQUIREMENTS.—The mechanism established under paragraph (1) shall allow a consumer to report a potential violation by a variety of means, including the following:

(A) A telephone number.

(B) A mailing address.

(C) A website.

(3) CONSIDERATION.—Not later than 180 days after the date of the enactment of this Act, the Commission shall promulgate regulations establishing, and providing a detailed description of, the process by which the Commission shall consider reports provided through the mechanism established under paragraph (1) and, if applicable, open investigations into potential violations of this section.

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

SEC. 4. REPORTS.

(a) ITC AND BLS REPORT.—

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

(2) SUFFICIENCY OF SURVEYS.—

(A) IN GENERAL.—Prior to submission of the first report required under paragraph (1), the Bureau of Labor Statistics shall identify whether the existing surveys of the Bureau collect sufficiently granular data with respect to pricing decisions and consumer prices to effectively identify price increases for tariffed goods.

(B) DEVELOPMENT OF NEW SURVEYS.—If the Bureau of Labor Statistics determines under subparagraph (A) that the surveys of the Bureau are insufficient, the Bureau shall develop and include in such surveys new questions to collect the data necessary for the report required under paragraph (1).

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

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