

113TH CONGRESS
1ST SESSION

H. R. 2664

To direct the Secretary of Commerce to establish a voluntary program under which manufacturers may have products certified as meeting the standards of labels that indicate to consumers the extent to which the products are manufactured in the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2013

Mr. CARNEY (for himself and Mr. FITZPATRICK) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Commerce to establish a voluntary program under which manufacturers may have products certified as meeting the standards of labels that indicate to consumers the extent to which the products are manufactured in the United States.

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 “Made in America Act
5 of 2013”.

1 **SEC. 2. AMERICA STAR PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall establish a
3 voluntary program, to be known as the “America Star
4 Program”, under which manufacturers may have products
5 certified as meeting the standards of labels that indicate
6 to consumers the extent to which the products are manu-
7 factured in the United States.

8 (b) ESTABLISHMENT OF LABELS.—

9 (1) IN GENERAL.—The Secretary shall by rule
10 establish such America Star labels as the Secretary
11 considers appropriate, including the content of the
12 labels and the standards that a product shall meet
13 in order to bear a particular America Star label. The
14 labels shall be consistent with public perceptions of
15 the meaning of descriptions of the extent to which
16 a product is manufactured in the United States.

17 (2) GOALS.—The America Star labels shall be
18 designed to achieve the following goals:

19 (A) Providing clarity for consumers about
20 the extent to which products are manufactured
21 in the United States.

22 (B) Encouraging manufacturers to manu-
23 facture more products in the United States.

24 (C) Highlighting the importance of domes-
25 tic manufacturing for the economy of the
26 United States.

1 (c) CERTIFICATION OF PRODUCTS.—

2 (1) APPLICATION PROCEDURES.—A manufac-
3 turer that wishes to have a product certified as
4 meeting the standards of an America Star label may
5 apply to the Secretary for certification in accordance
6 with such procedures as the Secretary shall by rule
7 establish.

8 (2) ACTION BY SECRETARY.—After receiving an
9 application for certification under paragraph (1), the
10 Secretary shall, not later than a reasonable time to
11 be specified by the Secretary by rule—

12 (A) determine whether the product meets
13 the standards of the label;

14 (B) if the product meets such standards,
15 certify the product; and

16 (C) notify the manufacturer of the deter-
17 mination and whether the product has been cer-
18 tified.

19 (d) MONITORING; WITHDRAWAL OF CERTIFI-
20 CATION.—

21 (1) MONITORING.—The Secretary shall conduct
22 such monitoring and compliance review as the Sec-
23 retary considers necessary to—

24 (A) detect violations of subsection (h); and

1 (B) ensure that products certified as meet-
2 ing the standards of America Star labels con-
3 tinue to meet such standards.

4 (2) WITHDRAWAL OF CERTIFICATION.—

5 (A) ON INITIATIVE OF SECRETARY.—If the
6 Secretary determines that a product certified as
7 meeting the standards of an America Star label
8 no longer meets such standards, the Secretary
9 shall—

10 (i) notify the manufacturer of the de-
11 termination and any corrective action that
12 would enable the product to meet such
13 standards; and

14 (ii) if the manufacturer does not take
15 such action within a reasonable time after
16 receiving notification under clause (i), to
17 be specified by the Secretary by rule, the
18 Secretary shall withdraw the certification
19 of the product and notify the manufacturer
20 of the withdrawal.

21 (B) AT REQUEST OF MANUFACTURER.—At
22 the request of the manufacturer of a product,
23 the Secretary shall withdraw the certification of
24 the product and notify the manufacturer of the
25 withdrawal.

1 (e) REGULATIONS.—

2 (1) IN GENERAL.—The Secretary may promul-
3 gate such regulations as are necessary to implement
4 this section.

5 (2) DEADLINE.—Not later than 2 years after
6 the date of the enactment of this Act, the Secretary
7 shall promulgate such regulations as are necessary
8 to begin certifying products under the America Star
9 Program.

10 (f) ADMINISTRATION BY CONTRACT.—The Secretary
11 may enter into a contract with a person under which such
12 person carries out certification determinations under sub-
13 section (c), monitoring activities and withdrawal deter-
14 minations under subsection (d), collection of fees under
15 subsection (k)(1) and the remission of such fees to the
16 Secretary (but not the establishment of the amounts of
17 such fees), and related administrative activities. For pur-
18 poses of subsections (h) and (j), such a determination, ac-
19 tivity, or collection by such person shall be considered to
20 be an action of the Secretary.

21 (g) CONSULTATION.—

22 (1) WITH FEDERAL TRADE COMMISSION.—In
23 establishing the America Star labels and operating
24 the America Star Program, the Secretary shall con-
25 sult with the Federal Trade Commission to ensure

1 consistency with the requirements enforced by the
2 Commission with respect to representations of the
3 extent to which products are manufactured in the
4 United States.

5 (2) WITH PRIVATE-SECTOR COMPANIES.—In es-
6 tablishing the America Star labels and operating the
7 America Star Program, the Secretary should consult
8 with private-sector companies that have developed
9 labeling programs to verify or certify to consumers
10 the extent to which products are manufactured in
11 the United States.

12 (h) PROHIBITED CONDUCT.—Unless there is in effect
13 a certification by the Secretary that a product meets the
14 standards of an America Star label, a person may not
15 place such label on such product, use such label in any
16 marketing materials for such product, or in any other way
17 represent that such product meets or is certified as meet-
18 ing the standards of such label.

19 (i) ENFORCEMENT.—

20 (1) CIVIL PENALTY.—Any person who know-
21 ingly violates subsection (h) shall be subject to a
22 civil penalty of not more than \$10,000.

23 (2) INELIGIBILITY.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (C), if the Secretary determines
3 that a manufacturer—

4 (i) has made a false statement to the
5 Secretary in connection with the America
6 Star Program;

7 (ii) knowing, or having reason to
8 know, that a product does not meet the
9 standards of an America Star label, has
10 placed such label on such product, has
11 used such label in any marketing materials
12 for such product, or in any other way has
13 represented that such product meets or is
14 certified as meeting the standards of such
15 label; or

16 (iii) has otherwise violated the pur-
17 poses of the America Star Program;

18 the Secretary may not, for a period of 5 years
19 after the conduct described in clause (i), (ii), or
20 (iii), certify the product to which such conduct
21 relates as meeting the standards of an America
22 Star label.

23 (B) EFFECT ON EXISTING CERTIFI-
24 CATION.—In the case of a product with respect
25 to which, at the time of the determination of

1 the Secretary under subparagraph (A), there is
2 in effect a certification by the Secretary that
3 the product meets the standards of an America
4 Star label—

5 (i) if the product continues to meet
6 such standards, the Secretary may either
7 withdraw the certification or allow the cer-
8 tification to continue in effect, as the Sec-
9 retary considers appropriate; and

10 (ii) if the product no longer meets
11 such standards, the Secretary shall with-
12 draw the certification.

13 (C) WAIVER.—Notwithstanding subpara-
14 graph (A), the Secretary may waive or reduce
15 the period referred to in such subparagraph if
16 the Secretary determines that the waiver or re-
17 duction is in the best interests of the America
18 Star Program.

19 (3) FALSE STATEMENTS.—A false statement in
20 connection with the America Star Program to a per-
21 son with whom the Secretary contracts under sub-
22 section (f) shall be considered a false statement to
23 the Secretary for purposes of paragraph (2)(A)(i)
24 and section 1001 of title 18, United States Code.

25 (j) ADMINISTRATIVE APPEAL.—

1 (1) EXPEDITED APPEALS PROCEDURE.—The
2 Secretary shall establish an expedited administrative
3 appeals procedure under which persons may appeal
4 an action of the Secretary under this section that—

5 (A) adversely affects such person; or

6 (B) is inconsistent with the America Star
7 Program.

8 (2) APPEAL OF FINAL DECISION.—A final deci-
9 sion of the Secretary under paragraph (1) may be
10 appealed to the United States district court for the
11 district in which the person is located.

12 (k) OFFSETTING COLLECTIONS.—

13 (1) IN GENERAL.—The Secretary may collect
14 reasonable fees from—

15 (A) manufacturers that apply for certifi-
16 cation of products as meeting the standards of
17 America Star labels; and

18 (B) manufacturers of products for which
19 such certifications are in effect.

20 (2) ACCOUNT.—The fees collected under para-
21 graph (1) shall be credited to the account that in-
22 curs the cost of the certification services provided
23 under this section.

24 (3) USE.—The fees collected under paragraph
25 (1) shall be available to the Secretary, without fur-

1 ther appropriation or fiscal-year limitation, to pay
2 the expenses of the Secretary incurred in providing
3 certification services under this section.

4 (l) DEFINITIONS.—In this section:

5 (1) AMERICA STAR LABEL.—The term “Amer-
6 ica Star label” means a label described in subsection
7 (a) and established by the Secretary under sub-
8 section (b)(1).

9 (2) AMERICA STAR PROGRAM.—The term
10 “America Star Program” means the voluntary label-
11 ing program established under this section.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Commerce.

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