

105TH CONGRESS
2D Session

H. R. 563

AN ACT

To establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made.

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To establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER**
2 **PILOT PROGRAM.**

3 (a) ESTABLISHMENT.—If the Secretary of Commerce
4 determines, on the basis of comments submitted in rule-
5 making under section 2, that—

6 (1) interest among manufacturers is sufficient
7 to warrant the establishment of a 3-year toll free
8 number pilot program, and

9 (2) manufacturers will provide fees under sec-
10 tion 2(c) so that the program will operate without
11 cost to the Federal Government,

12 the Secretary shall establish such program solely to help
13 inform consumers whether a product is “Made in Amer-
14 ica”. The Secretary shall publish the toll-free number by
15 notice in the Federal Register.

16 (b) CONTRACT.—The Secretary of Commerce shall
17 enter into a contract for—

18 (1) the establishment and operation of the toll
19 free number pilot program provided for in subsection
20 (a), and

21 (2) the registration of products pursuant to
22 regulations issued under section 2,

23 which shall be funded entirely from fees collected under
24 section 2(c).

25 (c) USE.—The toll free number shall be used solely
26 to inform consumers as to whether products are registered

1 under section 2 as “Made in America”. Consumers shall
2 also be informed that registration of a product does not
3 mean—

4 (1) that the product is endorsed or approved by
5 the Government,

6 (2) that the Secretary has conducted any inves-
7 tigation to confirm that the product is a product
8 which meets the definition of “Made in America” in
9 section 4 of this Act, or

10 (3) that the product contains 100 percent
11 United States content.

12 **SEC. 2. REGISTRATION.**

13 (a) PROPOSED REGULATION.—The Secretary of
14 Commerce shall propose a regulation—

15 (1) to establish a procedure under which the
16 manufacturer of a product may voluntarily register
17 such product as complying with the definition of
18 “Made in America” in section 4 of this Act and have
19 such product included in the information available
20 through the toll free number established under sec-
21 tion 1(a);

22 (2) to establish, assess, and collect a fee to
23 cover all the costs (including start-up costs) of reg-
24 istering products and including registered products
25 in information provided under the toll-free number;

1 (3) for the establishment under section 1(a) of
2 the toll-free number pilot program; and

3 (4) to solicit views from the private sector con-
4 cerning the level of interest of manufacturers in reg-
5 istering products under the terms and conditions of
6 paragraph (1).

7 (b) PROMULGATION.—If the Secretary determines
8 based on the comments on the regulation proposed under
9 subsection (a) that the toll-free number pilot program and
10 the registration of products is warranted, the Secretary
11 shall promulgate such regulation.

12 (c) REGISTRATION FEE.—

13 (1) IN GENERAL.—Manufacturers of products
14 included in information provided under section 1
15 shall be subject to a fee imposed by the Secretary
16 of Commerce to pay the cost of registering products
17 and including them in information provided under
18 subsection (a).

19 (2) AMOUNT.—The amount of fees imposed
20 under paragraph (1) shall—

21 (A) in the case of a manufacturer, not be
22 greater than the cost of registering the manu-
23 facturer's product and providing product infor-
24 mation directly attributable to such manufac-
25 turer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

1 **SEC. 3. PENALTY.**

2 Any manufacturer of a product who knowingly reg-
3 isters a product under section 2 which is not “Made in
4 America”—

5 (1) shall be subject to a civil penalty of not
6 more than \$7500 which the Secretary of Commerce
7 may assess and collect, and

8 (2) shall not offer such product for purchase by
9 the Federal Government.

10 **SEC. 4. DEFINITION.**

11 For purposes of this Act:

12 (1) The term “Made in America” has the
13 meaning given unqualified “Made in U.S.A.” or
14 “Made in America” claims for purposes of laws ad-
15 ministered by the Federal Trade Commission.

16 (2) The term “product” means a product with
17 a retail value of at least \$250.

18 **SEC. 5. RULE OF CONSTRUCTION.**

19 Nothing in this Act or in any regulation promulgated
20 under section 2 shall be construed to alter, amend, modify,
21 or otherwise affect in any way, the Federal Trade Com-
22 mission Act or the opinions, decisions, rules, or any guid-
23 ance issued by the Federal Trade Commission regarding
24 the use of unqualified “Made in U.S.A.” or “Made in
25 America” claims in labels on products introduced, deliv-

1 ered for introduction, sold, advertised, or offered for sale
2 in commerce.

Passed the House of Representatives October 5,
1998.

Attest:

Clerk.