

106TH CONGRESS
1ST SESSION

H. R. 754

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 1999

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To establish a toll free number under 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. SHORT TITLE.**

2 This Act may be cited as the “Made in America In-
3 formation Act”.

4 **SEC. 2. ESTABLISHMENT OF TOLL FREE NUMBER PILOT**
5 **PROGRAM.**

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

9 (1) interest among manufacturers is sufficient
10 to warrant the establishment of a 3-year toll free
11 number pilot program; and

12 (2) manufacturers will provide fees under sec-
13 tion 3(c) so that the program will operate without
14 cost to the Federal Government,

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

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

21 (1) the establishment and operation of the toll
22 free number pilot program provided for in subsection
23 (a); and

24 (2) the registration of products pursuant to
25 regulations issued under section 3,

1 which shall be funded entirely from fees collected under
2 section 3(c).

3 (c) USE.—The toll free number shall be used solely
4 to inform consumers as to whether products are registered
5 under section 3 as “Made in America”. Consumers shall
6 also be informed that registration of a product does not
7 mean—

8 (1) that the product is endorsed or approved by
9 the Government;

10 (2) that the Secretary has conducted any inves-
11 tigation to confirm that the product is a product
12 which meets the definition of “Made in America” in
13 section 5 of this Act; or

14 (3) that the product contains 100 percent
15 United States content.

16 **SEC. 3. REGISTRATION.**

17 (a) PROPOSED REGULATION.—The Secretary of
18 Commerce shall propose a regulation—

19 (1) to establish a procedure under which the
20 manufacturer of a product may voluntarily register
21 such product as complying with the definition of
22 “Made in America” in section 5 of this Act and have
23 such product included in the information available
24 through the toll free number established under sec-
25 tion 2(a);

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

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

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

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

16 (c) REGISTRATION FEE.—

17 (1) IN GENERAL.—Manufacturers of products
18 included in information provided under section 2
19 shall be subject to a fee imposed by the Secretary
20 of Commerce to pay the cost of registering products
21 and including them in information provided under
22 subsection (a).

23 (2) AMOUNT.—The amount of fees imposed
24 under paragraph (1) shall—

1 (A) in the case of a manufacturer, not be
2 greater than the cost of registering the manu-
3 facturer's product and providing product infor-
4 mation directly attributable to such manufac-
5 turer; and

6 (B) in the case of the total amount of fees,
7 not be greater than the total amount appro-
8 priated to the Secretary of Commerce for sala-
9 ries and expenses directly attributable to reg-
10 istration of manufacturers and having products
11 included in the information provided under sec-
12 tion 2(a).

13 (3) CREDITING AND AVAILABILITY OF FEES.—

14 (A) IN GENERAL.—Fees collected for a fis-
15 cal year pursuant to paragraph (1) shall be
16 credited to the appropriation account for sala-
17 ries and expenses of the Secretary of Commerce
18 and shall be available in accordance with appro-
19 priation Acts until expended without fiscal year
20 limitation.

21 (B) COLLECTIONS AND APPROPRIATION
22 ACTS.—The fees imposed under paragraph
23 (1)—

24 (i) shall be collected in each fiscal
25 year in an amount equal to the amount

1 specified in appropriation Acts for such fis-
2 cal year; and

3 (ii) shall only be collected and avail-
4 able for the costs described in paragraph
5 (2).

6 **SEC. 4. PENALTY.**

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

10 (1) shall be subject to a civil penalty of not
11 more than \$7500 which the Secretary of Commerce
12 may assess and collect; and

13 (2) shall not offer such product for purchase by
14 the Federal Government.

15 **SEC. 5. DEFINITION.**

16 For purposes of this Act:

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

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

23 **SEC. 6. RULE OF CONSTRUCTION.**

24 Nothing in this Act or in any regulation promulgated
25 under section 3 shall be construed to alter, amend, modify,

1 or otherwise affect in any way, the Federal Trade Com-
2 mission Act or the opinions, decisions, rules, or any guid-
3 ance issued by the Federal Trade Commission regarding
4 the use of unqualified “Made in U.S.A.” or “Made in
5 America” claims in labels on products introduced, deliv-
6 ered for introduction, sold, advertised, or offered for sale
7 in commerce.

Passed the House of Representatives October 25,
1999.

Attest:

JEFF TRANDAHL,

Clerk.