

114TH CONGRESS
2D SESSION

H. R. 4409

To direct the Federal Trade Commission to establish labels that may be used as a voluntary means of indicating to consumers the extent to which products are of United States origin, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2016

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 Federal Trade Commission to establish labels that may be used as a voluntary means of indicating to consumers the extent to which products are of United States origin, and for other purposes.

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 2016”.

6 **SEC. 2. AMERICA STAR LABELS.**

7 (a) ESTABLISHMENT.—Not later than 2 years after
8 the date of the enactment of this Act, the Commission

1 shall promulgate regulations in accordance with section
2 553 of title 5, United States Code, to establish labels that
3 a person may use as a voluntary means of indicating to
4 consumers the extent to which products that such person
5 introduces, delivers for introduction, sells, advertises, or
6 offers for sale in commerce are of United States origin.
7 Such labels shall be known as America Star labels.

8 (b) REQUIREMENTS FOR LABELS.—

9 (1) IN GENERAL.—The regulations required by
10 subsection (a) shall establish 4 America Star labels,
11 as follows:

12 (A) A label that may be used for a product
13 that satisfies the standard for an unqualified
14 United States origin claim set forth by the
15 Commission in the Enforcement Policy State-
16 ment.

17 (B) A label that may be used for a product
18 for which not less than 90 percent of the total
19 cost of manufacturing the product is attrib-
20 utable to United States costs, as determined
21 under the Enforcement Policy Statement.

22 (C) A label that may be used for a product
23 for which not less than 80 percent of the total
24 cost of manufacturing the product is attrib-

1 utable to United States costs, as determined
2 under the Enforcement Policy Statement.

3 (D) A label that may be used for a product
4 for which not less than 70 percent of the total
5 cost of manufacturing the product is attrib-
6 utable to United States costs, as determined
7 under the Enforcement Policy Statement.

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

10 (A) Providing clarity for consumers about
11 the extent to which products are manufactured
12 in the United States.

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

15 (C) Highlighting the importance of domes-
16 tic manufacturing for the economy of the
17 United States.

18 (3) APPEARANCE AND CONTENT; ADDITIONAL
19 STANDARDS AND REQUIREMENTS.—The regulations
20 required by subsection (a) shall establish the visual
21 appearance and content of the America Star labels,
22 any standards (in addition to the standards de-
23 scribed in paragraph (1)) that a product shall meet
24 in order for a particular America Star label to be
25 used for such product, and requirements for the per-

1 missible use of the America Star labels, as the Com-
2 mission considers appropriate to achieve the goals
3 described in paragraph (2) and to ensure that the
4 labels—

5 (A) are consistent with public perceptions
6 of the meaning of descriptions of the extent to
7 which a product is of United States origin; and

8 (B) are not used in a way that is unfair
9 or deceptive, including, for a product that does
10 not meet the standards for an America Star
11 label, placing such label on such product, using
12 such label in any marketing materials for such
13 product, or in any other way representing that
14 such product meets the standards of such label.

15 (c) USE OF LABELS VOLUNTARY.—The Commission
16 may not require a person who makes a qualified or un-
17 qualified claim that a product is of United States origin
18 to use an America Star label to make such claim.

19 (d) RULE OF CONSTRUCTION.—Nothing in this Act
20 shall be construed to affect the standards of the Commis-
21 sion in effect on the day before the date of the enactment
22 of this Act for a qualified or unqualified claim that a prod-
23 uct is of United States origin.

1 (e) CONSULTATION.—In promulgating the regula-
2 tions required by subsection (a), the Commission shall
3 consult with—

4 (1) the Commissioner of United States Customs
5 and Border Protection in order to ensure consistency
6 with the country of origin labeling requirements
7 under section 304 of the Tariff Act of 1930 (19
8 U.S.C. 1304); and

9 (2) the United States Trade Representative in
10 order to ensure consistency with the obligations of
11 the United States under international trade agree-
12 ments.

13 (f) ENFORCEMENT.—

14 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
15 TICES.—A violation of a regulation promulgated
16 under this section shall be treated as a violation of
17 a regulation under section 18(a)(1)(B) of the Fed-
18 eral Trade Commission Act (15 U.S.C.
19 57a(a)(1)(B)) regarding unfair or deceptive acts or
20 practices.

21 (2) POWERS OF COMMISSION.—The Commis-
22 sion shall enforce the regulations promulgated under
23 this section in the same manner, by the same means,
24 and with the same jurisdiction, powers, and duties
25 as though all applicable terms and provisions of the

1 Federal Trade Commission Act (15 U.S.C. 41 et
2 seq.) were incorporated into and made a part of this
3 Act. Any person who violates a regulation promul-
4 gated under this section shall be subject to the pen-
5 alties and entitled to the privileges and immunities
6 provided in the Federal Trade Commission Act.

7 **SEC. 3. PREEMPTION OF CERTAIN STATE REQUIREMENTS.**

8 (a) **REQUIREMENTS MORE STRINGENT THAN FTC**
9 **STANDARDS.**—Section 320933 of the Violent Crime Con-
10 trol and Law Enforcement Act of 1994 (15 U.S.C. 45a)
11 and any regulation promulgated by the Commission under
12 such section shall supercede any provision of law of a
13 State or a political subdivision of a State that imposes
14 more stringent requirements relating to the extent to
15 which any person may introduce, deliver for introduction,
16 sell, advertise, or offer for sale in commerce a product with
17 a “Made in the U.S.A.” or “Made in America” label, or
18 the equivalent thereof, in order to represent that such
19 product is in whole or substantial part of domestic origin.

20 (b) **REQUIREMENTS LIMITING ABILITY TO USE**
21 **AMERICA STAR LABELS.**—The regulations promulgated
22 under section 2 shall supercede any provision of law of
23 a State or a political subdivision of a State relating to
24 the extent to which any person introduces, delivers for in-
25 troduction, sells, advertises, or offers for sale in commerce

1 a product with a “Made in the U.S.A.” or “Made in Amer-
2 ica” label, or the equivalent thereof, in order to represent
3 that such product is in whole or substantial part of domes-
4 tic origin, to the extent that such provision would have
5 the effect of limiting the ability of a person to use an
6 America Star label with respect to a product in accordance
7 with such regulations.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (2) ENFORCEMENT POLICY STATEMENT.—The
13 term “Enforcement Policy Statement” means the
14 Enforcement Policy Statement on U.S. Origin
15 Claims issued by the Commission in December 1998,
16 or any successor guidance or regulation.

17 (3) STATE.—The term “State” means each of
18 the several States, the District of Columbia, each
19 commonwealth, territory, or possession of the United
20 States, and each federally recognized Indian tribe.

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