

103^D CONGRESS
2^D SESSION

H. R. 3342

IN THE SENATE OF THE UNITED STATES

AUGUST 9 (legislative day, AUGUST 8), 1994

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

AN ACT

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,*

3 **SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER**
4 **PILOT PROGRAM.**

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

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

4 (2) manufacturers will provide fees under sec-
5 tion 2(c) so that the program will operate without
6 cost to the Federal Government,

7 the Secretary shall establish such program solely to help
8 inform consumers whether a product is made in America
9 or the equivalent thereof. The Secretary shall publish the
10 toll-free number by notice in the Federal Register.

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

13 (1) the establishment and operation of the toll
14 free number pilot program provided for in subsection
15 (a), and

16 (2) the registration of products pursuant to
17 regulations issued under section 2,

18 which shall be funded entirely from fees collected under
19 section 2(c).

20 (c) USE.—The toll free number shall be used solely
21 to inform consumers as to whether products are registered
22 under section 2 as made in America or the equivalent
23 thereof. Consumers shall also be informed that registra-
24 tion of a product does not mean—

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

3 (2) that the Secretary has conducted any inves-
4 tigation to confirm that the product is a product
5 which meets the definition of made in America or
6 the equivalent thereof, or

7 (3) that the product contains 100 percent Unit-
8 ed States content.

9 **SEC. 2. REGISTRATION.**

10 (a) **PROPOSED REGULATION.**—The Secretary of
11 Commerce shall propose a regulation—

12 (1) to establish a procedure under which the
13 manufacturer of a product may voluntarily register
14 such product as complying with the definition of a
15 product made in America or the equivalent thereof
16 and have such product included in the information
17 available through the toll free number established
18 under section 1(a);

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

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

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

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

10 (c) REGISTRATION FEE.—

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

17 (2) AMOUNT.—The amount of fees imposed
18 under paragraph (1) shall—

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

24 (B) in the case of the total amount of fees,
25 not be greater than the total amount appro-

1 priated to the Secretary of Commerce for sala-
2 ries and expenses directly attributable to reg-
3 istration of manufacturers and having products
4 included in the information provided under sec-
5 tion 1(a).

6 (3) CREDITING AND AVAILABILITY OF FEES.—

7 (A) IN GENERAL.—Fees collected for a fis-
8 cal year pursuant to paragraph (1) shall be
9 credited to the appropriation account for sala-
10 ries and expenses of the Secretary of Commerce
11 and shall be available in accordance with appro-
12 priation Acts until expended without fiscal year
13 limitation.

14 (B) COLLECTIONS AND APPROPRIATION
15 ACTS.—The fees imposed under paragraph
16 (1)—

17 (i) shall be collected in each fiscal
18 year in an amount equal to the amount
19 specified in appropriation Acts for such fis-
20 cal year, and

21 (ii) shall only be collected and avail-
22 able for the costs described in paragraph
23 (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 or the equivalent thereof—

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 or the equiva-
13 lent thereof” means—

14 (A) an unmanufactured end product mined
15 or produced in the United States; or

16 (B) an end product manufactured in the
17 United States if the value of its components
18 mined, produced, or manufactured in the Unit-
19 ed States equals 90 percent or more of the total
20 value of all of its components.

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

23 **SEC. 5. RULE OF CONSTRUCTION.**

24 Nothing in this Act or in any regulation promulgated
25 under section 2 shall be construed to alter, amend, modify,
26 or otherwise affect in any way, the Federal Trade Com-

1 mission Act or the opinions, decisions, and rules of the
2 Federal Trade Commission under such Act regarding the
3 use of the term “made in America or the equivalent there-
4 of” in labels on products introduced, delivered for intro-
5 duction, sold, advertised, or offered for sale in commerce.

Passed the House of Representatives August 8,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.