

Union Calendar No. 357

103^D CONGRESS
2^D SESSION

H. R. 3342

[Report No. 103-660]

A BILL

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

AUGUST 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1993

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Energy and Commerce

AUGUST 3, 1994

Additional sponsors: Mr. QUINN, Mr. LIGHTFOOT, Mr. BARCA of Wisconsin, Mr. CONYERS, Mr. CRAMER, Mr. GLICKMAN, Mr. APPELGATE, Mr. MURTHA, Mr. TORRES, Mr. ORTIZ, Mr. SERRANO, Mr. WASHINGTON, Mr. GORDON, Mr. PAYNE of New Jersey, Mr. BECERRA, Mr. BROWN of Ohio, Ms. BROWN of Florida, Mr. COPPERSMITH, Mr. PENNY, Mrs. BYRNE, Mr. COSTELLO, Mr. DE LUGO, Mr. COYNE, Mr. SABO, Mr. PARKER, Mr. SYNAR, Mr. COLEMAN, Mrs. MORELLA, Mr. GOSS, Mr. HEFLEY, Mr. RAHALL, Mr. PACKARD, Mr. PICKLE, Mrs. SCHROEDER, Mr. LAZIO, Mr. TORRICELLI, Ms. KAPTUR, Mr. LAUGHLIN, Mr. MYERS of Indiana, Mr. HUNTER, Mr. DINGELL, Mrs. MEEK, Mr. SKELTON, Mr. WELDON, Mrs. BENTLEY, Mr. PORTMAN, Mr. HORN, Mr. BARTLETT of Maryland, Mr. RAVENEL, Ms. SNOWE, Mr. DORNAN, Mr. WHITTEN, Mr. HUTTO, Mr. RICHARDSON, Mr. HANSEN, Mrs. LLOYD, Mr. BALLENGER, Mr. COBLE, Mr. SKEEN, Mr. TOWNS, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. CARR of Michigan, Mr. HEFNER, Mr. LEHMAN, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Ms. MOLINARI, Mr. PAXON, Mr. MINETA, Mr. FROST, Mr. BOEHLERT, Mr. QUILLEN, Mr. DUNCAN, Ms. NORTON, Mr. OBERSTAR, Mr. MAZZOLI, Ms. ESHOO, Mr. GUNDERSON, Mr. FINGERHUT, Mr. NUSSLE, Mr. VISCLOSKY, Mr. CLYBURN, Mr. MARTINEZ, Mr. SANDERS, Mr. CLAY, Mr. WISE, Mr. HAMBURG, Mr. McCLOSKEY, Mr. MANTON, Mr. SUNDQUIST, Mrs. MINK, Mr. BEILENSEN, Ms. PELOSI, Mr. VOLKMER, Mr. BISHOP, Mr. MOAKLEY, Mr. SMITH of Michigan, Mr. MFUME, Mr. PRICE of North Carolina, Mr. VENTO, Mr. MANN, Mrs. COLLINS of

Illinois, Mr. BROWN of California, Mr. FALEOMAVAEGA, Mr. STUPAK, Mr. MORAN, Mr. JACOBS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DEUTSCH, Miss COLLINS of Michigan, Mr. WILLIAMS, Mr. DERRICK, Mr. OXLEY, Mr. LEWIS of California, Mr. HOBSON, Mr. GILMAN, Mr. COLLINS of Georgia, Mr. WILSON, Mr. KLINK, Mr. LIVINGSTON, Mr. YATES, Mr. EVANS, Mr. BORSKI, Mr. INHOFE, Mr. THORNTON, Ms. MCKINNEY, Ms. WATERS, Ms. HARMAN, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DURBIN, Mr. HASTINGS, Mr. MURPHY, Mr. HYDE, Mr. REGULA, Mrs. JOHNSON of Connecticut, Mr. BLUTE, Mr. MCCURDY, Mr. HAYES, Mr. ROHRABACHER, Mr. KIM, Mr. KANJORSKI, Mr. BARTON of Texas, Mr. HUGHES, Mr. EDWARDS of California, Ms. DELAURO, Ms. SLAUGHTER, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mr. STOKES, Mr. HOLDEN, Ms. SHEPHERD, Mr. SCOTT, Mr. VALENTINE, Mr. BARCIA of Michigan, Mr. ENGEL, Mr. MOLLOHAN, Ms. DUNN, Mr. BERMAN, Mr. BILBRAY, Mr. FRANKS of Connecticut, Mr. TUCKER, Mr. FOGLIETTA, Mr. STUMP, Mr. BLACKWELL, Mr. JEFFERSON, Mr. GENE GREEN of Texas, Mr. DEFazio, Mr. UPTON, Mr. SCHUMER, Mr. GUTIERREZ, Mr. GEPHARDT, Mr. BREWSTER, Mr. FAZIO, Mr. GINGRICH, Mr. DOOLITTLE, Mr. KINGSTON, Mr. SENSENBRENNER, Mr. PETRI, Mr. BACHUS of Alabama, Mr. GILLMOR, Ms. LONG, Mr. PETE GEREN of Texas, Mr. RANGEL, Ms. SCHENK, Mr. ANDREWS of Maine, Mr. ABERCROMBIE, Mr. INSLEE, Mr. EDWARDS of Texas, Mr. SMITH of Texas, Mr. CRANE, Mr. EMERSON, Mr. DIAZ-BALART, Mr. BILIRAKIS, Mrs. ROUKEMA, Mr. SPRATT, Mr. THOMAS of California, Mr. POSHARD, Mr. WYNN, Ms. ROS-LEHTINEN, Mr. CHAPMAN, Mr. JOHNSON of South Dakota, Mr. STUDDS, Mr. DELLUMS, Mr. SWETT, Mr. WHEAT, Ms. PRYCE of Ohio, Mr. FARR of California, Mr. TAUZIN, Mr. REYNOLDS, Mrs. KENNELLY, Mr. ROSE, Mr. HOKE, Mr. LINDER, Mr. WATT, Mr. ZIMMER, Mr. BRYANT, Mr. BONIOR, Mr. RUSH, Mr. PALLONE, Mr. WAXMAN, Mr. KENNEDY, Mr. KING, Mr. REED, Mr. KILDEE, Ms. FURSE, Mr. SLATTERY, and Mr. STEARNS

AUGUST 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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 (a) ~~ESTABLISHMENT.~~—Within 180 days of the date
5 of the enactment of this Act, the Secretary of Commerce
6 shall establish a toll free number which may be used by
7 consumers—

8 (1) to determine if a product is made in Amer-
9 ica, and

10 (2) learn where products may be purchased or
11 learn a telephone number which will provide infor-
12 mation on the purchase of products.

13 The Secretary shall publish the number in the Federal
14 Register and undertake such outreach activities as may
15 be appropriate to publicize the number.

16 (b) ~~USE.~~—Consumers who use the toll free number
17 shall be informed that the product list is not complete but
18 is derived from registrations under section 2.

19 **SEC. 2. REGISTRATION.**

20 The Secretary of Commerce shall establish a proce-
21 dure under which the manufacturer of a product which
22 is made in America may register with the Secretary and
23 have such product included in the information available
24 through the toll free number established under section 1.

1 **SEC. 3. PENALTY.**

2 Any manufacturer of a product who registers a prod-
3 uct with the Secretary of Commerce under section 2 which
4 is not made in America may not offer such product for
5 purchase by the Federal Government and shall be subject
6 to prosecution under section 5 of the Federal Trade Com-
7 mission Act for making a deceptive claim.

8 **SEC. 4. DEFINITION.**

9 For purposes of this Act, the term “made in Amer-
10 ica” means—

11 (1) an unmanufactured end product mined or
12 produced in the United States, or

13 (2) an end product manufactured in the United
14 States if the cost of its components mined, pro-
15 duced, or manufactured in the United States exceeds
16 50 percent of the cost of all of its components.

17 **SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER**
18 **PILOT PROGRAM.**

19 (a) *ESTABLISHMENT.*—If the Secretary of Commerce
20 determines, on the basis of comments submitted in rule-
21 making under section 2, that—

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

1 (2) *manufacturers will provide fees under section*
2 2(c) *so that the program will operate without cost to*
3 *the Federal Government,*

4 *the Secretary shall establish such program solely to help in-*
5 *form consumers whether a product is made in America or*
6 *the equivalent thereof. The Secretary shall publish the toll-*
7 *free number by notice in the Federal Register.*

8 (b) *CONTRACT.—The Secretary of Commerce shall*
9 *enter into a contract for—*

10 (1) *the establishment and operation of the toll*
11 *free number pilot program provided for in subsection*
12 *(a), and*

13 (2) *the registration of products pursuant to regu-*
14 *lations issued under section 2,*
15 *which shall be funded entirely from fees collected under sec-*
16 *tion 2(c).*

17 (c) *USE.—The toll free number shall be used solely to*
18 *inform consumers as to whether products are registered*
19 *under section 2 as made in America or the equivalent there-*
20 *of. Consumers shall also be informed that registration of*
21 *a product does not mean—*

22 (1) *that the product is endorsed or approved by*
23 *the Government,*

24 (2) *that the Secretary has conducted any inves-*
25 *tigation to confirm that the product is a product*

1 *which meets the definition of made in America or the*
2 *equivalent thereof, or*

3 *(3) that the product contains 100 percent United*
4 *States content.*

5 **SEC. 2. REGISTRATION.**

6 *(a) PROPOSED REGULATION.—The Secretary of Com-*
7 *merce shall propose a regulation—*

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

15 *(2) to establish, assess, and collect a fee to cover*
16 *all the costs (including start-up costs) of registering*
17 *products and including registered products in infor-*
18 *mation provided under the toll-free number;*

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

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

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

6 (c) *REGISTRATION FEE.*—

7 (1) *IN GENERAL.*—*Manufacturers of products in-*
8 *cluded in information provided under section 1 shall*
9 *be subject to a fee imposed by the Secretary of Com-*
10 *merce to pay the cost of registering products and in-*
11 *cluding them in information provided under sub-*
12 *section (a).*

13 (2) *AMOUNT.*—*The amount of fees imposed under*
14 *paragraph (1) shall—*

15 (A) *in the case of a manufacturer, not be*
16 *greater than the cost of registering the manufac-*
17 *turer's product and providing product informa-*
18 *tion directly attributable to such manufacturer,*
19 *and*

20 (B) *in the case of the total amount of fees,*
21 *not be greater than the total amount appro-*
22 *priated to the Secretary of Commerce for salaries*
23 *and expenses directly attributable to registration*
24 *of manufacturers and having products included*
25 *in the information provided under section 1(a).*

1 (3) *CREDITING AND AVAILABILITY OF FEES.*—

2 (A) *IN GENERAL.*—Fees collected for a fiscal
3 year pursuant to paragraph (1) shall be credited
4 to the appropriation account for salaries and ex-
5 penses of the Secretary of Commerce and shall be
6 available in accordance with appropriation Acts
7 until expended without fiscal year limitation.

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

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

14 (ii) shall only be collected and avail-
15 able for the costs described in paragraph

16 (2).

17 **SEC. 3. PENALTY.**

18 Any manufacturer of a product who knowingly reg-
19 isters a product under section 2 which is not made in Amer-
20 ica or the equivalent thereof—

21 (1) shall be subject to a civil penalty of not more
22 than \$7500 which the Secretary of Commerce may as-
23 sess and collect, and

24 (2) shall not offer such product for purchase by
25 the Federal Government.

1 **SEC. 4. DEFINITION.**

2 *For purposes of this Act:*

3 (1) *The term “made in America or the equiva-*
4 *lent thereof” means—*

5 (A) *an unmanufactured end product mined*
6 *or produced in the United States; or*

7 (B) *an end product manufactured in the*
8 *United States if the value of its components*
9 *mined, produced, or manufactured in the United*
10 *States equals 90 percent or more of the total*
11 *value of all of its components.*

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

14 **SEC. 5. RULE OF CONSTRUCTION.**

15 *Nothing in this Act or in any regulation promulgated*
16 *under section 2 shall be construed to alter, amend, modify,*
17 *or otherwise affect in any way, the Federal Trade Commis-*
18 *sion Act or the opinions, decisions, and rules of the Federal*
19 *Trade Commission under such Act regarding the use of the*
20 *term “made in America or the equivalent thereof” in labels*
21 *on products introduced, delivered for introduction, sold, ad-*
22 *vertised, or offered for sale in commerce.*