

104TH CONGRESS
2D SESSION

H. R. 447

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 1996

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,*

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 America
14 or the equivalent thereof. The Secretary shall publish the
15 toll-free number by 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 or the equivalent
2 thereof. Consumers shall also be informed that registra-
3 tion of a product does not 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 or
9 the equivalent thereof, or

10 (3) that the product contains 100 percent Unit-
11 ed 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 a
18 product made in America or the equivalent thereof
19 and have such product included in the information
20 available through the toll free number established
21 under section 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 regulations.

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

1 (B) in the case of the total amount of fees,
2 not be greater than the total amount appro-
3 priated to the Secretary of Commerce for sala-
4 ries and expenses directly attributable to reg-
5 istration of manufacturers and having products
6 included in the information provided under sec-
7 tion 1(a).

8 (3) CREDITING AND AVAILABILITY OF FEES.—

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

16 (B) COLLECTIONS AND APPROPRIATION
17 ACTS.—The fees imposed under paragraph
18 (1)—

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

23 (ii) shall only be collected and avail-
24 able for the costs described in paragraph
25 (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”, with respect to a product, has the
14 meaning given such term 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 the term “made in America or the equivalent
25 thereof” in labels on products introduced, delivered for in-

1 troduction, sold, advertised, or offered for sale in com-
2 merce.

Passed the House of Representatives September 4,
1996.

Attest:

ROBIN H. CARLE,
Clerk.