

104TH CONGRESS
1ST SESSION

H. R. 447

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1995

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

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 **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—

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

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

4 the Secretary shall establish such program solely to help
5 inform consumers whether a product is made in America
6 or the equivalent thereof. The Secretary shall publish the
7 toll-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
14 regulations issued under section 2,
15 which shall be funded entirely from fees collected under
16 section 2(c).

17 (c) USE.—The toll free number shall be used solely
18 to inform consumers as to whether products are registered
19 under section 2 as made in America or the equivalent
20 thereof. Consumers shall also be informed that registra-
21 tion of 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
2 the equivalent thereof, or

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

5 **SEC. 2. REGISTRATION.**

6 (a) PROPOSED REGULATION.—The Secretary of
7 Commerce 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
16 cover all the costs (including start-up costs) of reg-
17 istering products and including registered products
18 in information 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
8 included in information provided under section 1
9 shall be subject to a fee imposed by the Secretary
10 of Commerce to pay the cost of registering products
11 and including them in information provided under
12 subsection (a).

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

15 (A) in the case of a manufacturer, not be
16 greater than the cost of registering the manu-
17 facturer's product and providing product infor-
18 mation directly attributable to such manufac-
19 turer, 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 sala-
23 ries and expenses directly attributable to reg-
24 istration of manufacturers and having products

1 included in the information provided under sec-
2 tion 1(a).

3 (3) CREDITING AND AVAILABILITY OF FEES.—

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

11 (B) COLLECTIONS AND APPROPRIATION
12 ACTS.—The fees imposed under paragraph
13 (1)—

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

18 (ii) shall only be collected and avail-
19 able for the costs described in paragraph
20 (2).

21 **SEC. 3. PENALTY.**

22 Any manufacturer of a product who knowingly reg-
23 isters a product under section 2 which is not made in
24 America or the equivalent thereof—

1 (1) shall be subject to a civil penalty of not
2 more than \$7500 which the Secretary of Commerce
3 may assess and collect, and

4 (2) shall not offer such product for purchase by
5 the Federal Government.

6 **SEC. 4. DEFINITION.**

7 For purposes of this Act:

8 (1) The term “made in America or the equiva-
9 lent thereof” means—

10 (A) an unmanufactured end product mined
11 or produced in the United States; or

12 (B) an end product manufactured in the
13 United States if the value of its components
14 mined, produced, or manufactured in the Unit-
15 ed States equals 90 percent or more of the total
16 value of all of its components.

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

19 **SEC. 5. RULE OF CONSTRUCTION.**

20 Nothing in this Act or in any regulation promulgated
21 under section 2 shall be construed to alter, amend, modify,
22 or otherwise affect in any way, the Federal Trade Com-
23 mission Act or the opinions, decisions, and rules of the
24 Federal Trade Commission under such Act regarding the
25 use of the term “made in America or the equivalent there-

1 of' in labels on products introduced, delivered for intro-
2 duction, sold, advertised, or offered for sale in commerce.

