

Union Calendar No. 399

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 447**

[Report No. 104-753]

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## **A BILL**

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

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AUGUST 2, 1996

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

JANUARY 9, 1995

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

AUGUST 2, 1996

Additional sponsors: Mr. SERRANO, Mr. BARTLETT of Maryland, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. HUNTER, Mr. BROWN of Ohio, Mr. TOWNS, Mr. SABO, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. LAUGHLIN, Mr. SCOTT, Mr. BREWSTER, Mr. PARKER, Ms. PELOSI, Mr. VISCLOSKY, Mr. LIPINSKI, Mr. GUNDERSON, Mr. MOAKLEY, Mr. FAZIO of California, Mr. WILSON, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. DEFazio, Mr. CHAPMAN, Mr. STEARNS, Mr. GENE GREEN of Texas, Mr. MCNULTY, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. BONIOR, Mr. HILLIARD, Mr. ORTIZ, Mr. BLUTE, Mr. KANJORSKI, Mr. HEFNER, Mr. HAYES, Mr. BRYANT of Texas, Mr. VENTO, Mr. HOLDEN, Ms. SLAUGHTER, Mr. SANDERS, Mr. JACOBS, Mrs. MEEK of Florida, Mr. REGULA, Mr. WATT of North Carolina, Ms. RIVERS, Mr. EMERSON, Ms. KAPTUR, Mrs. CLAYTON, Mr. MARTINEZ, Mr. TORRES, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. MINETA, Mr. OWENS, Mr. OXLEY, Mr. BACHUS, Mr. QUINN, Mr. WYNN, Mr. FILNER, Mr. WAXMAN, Mr. OBERSTAR, Mr. UNDERWOOD, Mr. DOYLE, Mr. HAMILTON, Mr. FARR of California, Mr. SOLOMON, Mr. THOMPSON, Mr. COLEMAN, Ms. BROWN of Florida, Mr. NEY, Mrs. MEYERS of Kansas, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. KLINK, Mr. DELLUMS, Mr. REYNOLDS, Mr. GUTIERREZ, Mr. ENGEL, Mr. CLINGER, Mr. FRAZER, Mr. FOGLIETTA, Mr. ACKERMAN, Mr. BEREUTER, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. THORNTON, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Ms. DELAURO, Mr. ANDREWS, and Mr. GILLMOR.

AUGUST 2, 1996

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]

[For text of introduced bill, see copy of bill as introduced on January 9, 1995]

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## 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 to*  
9                   *warrant the establishment of a 3-year toll free number*  
10                  *pilot program, and*

11                  (2) *manufacturers will provide fees under section*  
12                  *2(c) so that the program will operate without cost to*  
13                  *the Federal Government,*

14 *the Secretary shall establish such program solely to help in-*  
15 *form consumers whether a product is made in America or*

1 *the equivalent thereof. The Secretary shall publish the toll-*  
2 *free number by notice in the Federal Register.*

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

5 (1) *the establishment and operation of the toll*  
6 *free number pilot program provided for in subsection*  
7 *(a), and*

8 (2) *the registration of products pursuant to regu-*  
9 *lations issued under section 2,*

10 *which shall be funded entirely from fees collected under sec-*  
11 *tion 2(c).*

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

17 (1) *that the product is endorsed or approved by*  
18 *the Government,*

19 (2) *that the Secretary has conducted any inves-*  
20 *tigation to confirm that the product is a product*  
21 *which meets the definition of made in America or the*  
22 *equivalent thereof, or*

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

1 **SEC. 2. REGISTRATION.**

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

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

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

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

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

21 (b) *PROMULGATION.*—*If the Secretary determines*  
22 *based on the comments on the regulation proposed under*  
23 *subsection (a) that the toll-free number pilot program and*  
24 *the registration of products is warranted, the Secretary*  
25 *shall promulgate such regulations.*

26 (c) *REGISTRATION FEE.*—

1           (1) *IN GENERAL.*—Manufacturers of products in-  
2           cluded in information provided under section 1 shall  
3           be subject to a fee imposed by the Secretary of Com-  
4           merce to pay the cost of registering products and in-  
5           cluding them in information provided under sub-  
6           section (a).

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

9                   (A) in the case of a manufacturer, not be  
10                  greater than the cost of registering the manufac-  
11                  turer’s product and providing product informa-  
12                  tion directly attributable to such manufacturer,  
13                  and

14                  (B) in the case of the total amount of fees,  
15                  not be greater than the total amount appro-  
16                  priated to the Secretary of Commerce for salaries  
17                  and expenses directly attributable to registration  
18                  of manufacturers and having products included  
19                  in the information provided under section 1(a).

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

21                   (A) *IN GENERAL.*—Fees collected for a fiscal  
22                  year pursuant to paragraph (1) shall be credited  
23                  to the appropriation account for salaries and ex-  
24                  penses of the Secretary of Commerce and shall be

1           *available in accordance with appropriation Acts*  
2           *until expended without fiscal year limitation.*

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

5                   (i) *shall be collected in each fiscal year*  
6                   *in an amount equal to the amount specified*  
7                   *in appropriation Acts for such fiscal year,*  
8                   *and*

9                   (ii) *shall only be collected and avail-*  
10                  *able for the costs described in paragraph*  
11                  (2).

12 **SEC. 3. PENALTY.**

13           *Any manufacturer of a product who knowingly reg-*  
14           *isters a product under section 2 which is not made in Amer-*  
15           *ica or the equivalent thereof—*

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

19                  (2) *shall not offer such product for purchase by*  
20                  *the Federal Government.*

21 **SEC. 4. DEFINITION.**

22           *For purposes of this Act:*

23                  (1) *The term “made in America or the equiva-*  
24                  *lent thereof”, with respect to a product, has the mean-*

1        *ing given such term for purposes of laws administered*  
2        *by the Federal Trade Commission.*

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

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

6        *Nothing in this Act or in any regulation promulgated*  
7        *under section 2 shall be construed to alter, amend, modify,*  
8        *or otherwise affect in any way, the Federal Trade Commis-*  
9        *sion Act or the opinions, decisions, rules, or any guidance*  
10       *issued by the Federal Trade Commission regarding the use*  
11       *of the term “made in America or the equivalent thereof”*  
12       *in labels on products introduced, delivered for introduction,*  
13       *sold, advertised, or offered for sale in commerce.*