

**AMENDMENT TO H.R. 5092****OFFERED BY MR. KENNEDY OF MASSACHUSETTS**

Page 2, strike lines 12 through 23 and insert the following:

1       “(b) PREEMPTION.—No State or political subdivision  
2 of a State shall have any authority either to establish or  
3 continue in effect any standard or requirement relating  
4 to the extent to which a product is introduced, advertised,  
5 sold, or offered for sale in interstate or foreign commerce  
6 with a ‘Made in the U.S.A.’ or ‘Made in America’ label,  
7 or the equivalent thereof, in order to represent that such  
8 product was in whole or in substantial part of domestic  
9 origin, unless such standard or requirement is identical  
10 to the standard established by the Federal Trade Commis-  
11 sion pursuant to subsection (a).

12       “(c) PRESERVATION OF RIGHTS.—In the case of a  
13 standard established by the law of a State that is super-  
14 seded by subsection (b), any person of such State having  
15 a right to seek relief based on such standard may seek  
16 relief in the same manner and to the same extent based  
17 on the standard established by the Federal Trade Com-  
18 mission pursuant to subsection (a).

1       “(d) ENFORCEMENT BY STATE ATTORNEYS GEN-  
2 ERAL.—In addition to such other remedies as are provided  
3 under State law, if the attorney general or other official  
4 or agency designated by a State has reason to believe that  
5 any person has violated or is violating the standard estab-  
6 lished by the Federal Trade Commission pursuant to sub-  
7 section (a), the attorney general of the State or such other  
8 official may bring a civil action in any appropriate United  
9 States district court or in any other court of competent  
10 jurisdiction, including a State court, to—

11           “(1) enjoin further such violation by the de-  
12 fendant;

13           “(2) enforce compliance with such standard;

14           “(3) obtain civil penalties;

15           “(4) obtain damages, restitution, or other com-  
16 pensation on behalf of residents of the State; or

17           “(5) obtain such other relief as the court may  
18 consider appropriate.

19       “(e) INTERVENTION BY THE FTC.—

20           “(1) NOTICE AND INTERVENTION.—The attor-  
21 ney general of a State shall provide prior written no-  
22 tice of any action described in subsection (d) to the  
23 Commission and provide the Commission with a  
24 copy of the complaint in the action, except in any  
25 case in which such prior notice is not feasible, in

1       which case the attorney general shall serve such no-  
2       tice immediately upon instituting such action. The  
3       Commission shall have the right to—

4               “(A) intervene in the action;

5               “(B) upon so intervening, to be heard on  
6       all matters arising therein; and

7               “(C) to file petitions for appeal.

8               “(2) LIMITATION ON STATE ACTION WHILE  
9       COMMISSION ACTION IS PENDING.—If the Commis-  
10      sion has instituted a civil action for a violation of  
11      the standard established by the Federal Trade Com-  
12      mission pursuant to subsection (a), no State attor-  
13      ney general may bring an action under this section  
14      during the pendency of that action against any de-  
15      fendant named in the complaint of the Commission  
16      for any violation of such standard alleged in the  
17      complaint.”.

