

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) ENFORCEMENT BY STATE ATTORNEYS GEN-
13 ERAL.—In addition to such other remedies as are provided
14 under State law, if the attorney general or other official
15 or agency designated by a State has reason to believe that
16 any person has violated or is violating the standard estab-
17 lished by the Federal Trade Commission pursuant to sub-
18 section (a), the attorney general of the State or such other
19 official may bring a civil action in any appropriate United

1 States district court or in any other court of competent
2 jurisdiction, including a State court, to—

3 “(1) enjoin further such violation by the de-
4 fendant;

5 “(2) enforce compliance with such standard;

6 “(3) obtain civil penalties;

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

9 “(5) obtain such other relief as the court may
10 consider appropriate.

11 “(d) INTERVENTION BY THE FTC.—

12 “(1) NOTICE AND INTERVENTION.—The attor-
13 ney general of a State shall provide prior written no-
14 tice of any action described in subsection (d) to the
15 Commission and provide the Commission with a
16 copy of the complaint in the action, except in any
17 case in which such prior notice is not feasible, in
18 which case the attorney general shall serve such no-
19 tice immediately upon instituting such action. The
20 Commission shall have the right to—

21 “(A) intervene in the action;

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

24 “(C) to file petitions for appeal.

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

