

United States Senate

WASHINGTON, DC 20510

October 23, 2019

The Honorable Joseph J. Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

The Honorable Rebecca Kelly Slaughter
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

The Honorable Noah Joshua Phillips
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

The Honorable Christine S. Wilson
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

The Honorable Rohit Chopra
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: "Made in the USA" labeling enforcement

Dear Commissioners:

We write to encourage the Federal Trade Commission to use its existing statutory authority to issue Made in the USA labeling regulations. A rulemaking will ensure the Commission is using its full authority to crack down on Made in the USA violators and protect American manufacturers and consumers from fraud.

The Commission's enforcement of Made in the USA labeling standards must be strengthened. To date, the Commission has relied largely on "no fault, no money" settlements and "closing letters" to respond to Made in the USA infractions. These settlements and letters do not penalize the perpetrators of the labeling fraud or even require them to admit guilt. This impunity leads to repeat offenders and undermines the significance of the Made in the USA label. There is broad, bipartisan concern that the Commission's enforcement is insufficient. As a result, the Senate Appropriations Committee included language in its report on the Financial Services and General Government Fiscal Year 2020 bill recommending the Commission undertake a rulemaking in this area to make Made in the USA violations more likely to result in a disgorgement or admission of liability.

We urge the Commission to issue a rule as part of a strengthened enforcement of the Made in the USA standard. A rulemaking promulgated under the Administrative Procedure Act would allow

the Commission to codify the current Made in the USA standard and, more importantly, clarify when violators will face civil penalties.

Thank you for your consideration of this request. We look forward to working with you to ensure goods stamped with Made in the USA are truly made here in the USA.

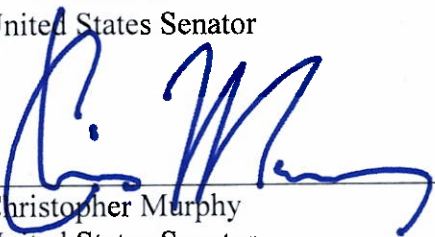
Sincerely,



Sherrod Brown
United States Senator



Tammy Baldwin
United States Senator



Christopher Murphy
United States Senator



Richard Blumenthal
United States Senator