

## HR 4678

Foreign Manufacturers Legal Accountability Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Feb 24, 2010

**Current Status:** Placed on the Union Calendar, Calendar No. 413.

**Latest Action:** Placed on the Union Calendar, Calendar No. 413. (Dec 22, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/4678>

### Sponsor

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**Name:** Rep. Sutton, Betty [D-OH-13]

**Party:** Democratic • **State:** OH • **Chamber:** House

**Cosponsors** (64 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Braley, Bruce L. [D-IA-1]	D · IA		Feb 24, 2010
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Feb 24, 2010
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Feb 24, 2010
Rep. Doggett, Lloyd [D-TX-25]	D · TX		Feb 24, 2010
Rep. Donnelly, Joe [D-IN-2]	D · IN		Feb 24, 2010
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Feb 24, 2010
Rep. Edwards, Donna F. [D-MD-4]	D · MD		Feb 24, 2010
Rep. Green, Gene [D-TX-29]	D · TX		Feb 24, 2010
Rep. Hare, Phil [D-IL-17]	D · IL		Feb 24, 2010
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Feb 24, 2010
Rep. Kagen, Steve [D-WI-8]	D · WI		Feb 24, 2010
Rep. Kanjorski, Paul E. [D-PA-11]	D · PA		Feb 24, 2010
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Feb 24, 2010
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Feb 24, 2010
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Feb 24, 2010
Rep. Michaud, Michael H. [D-ME-2]	D · ME		Feb 24, 2010
Rep. Miller, Candice S. [R-MI-10]	R · MI		Feb 24, 2010
Rep. Oberstar, James L. [D-MN-8]	D · MN		Feb 24, 2010
Rep. Ryan, Tim [D-OH-17]	D · OH		Feb 24, 2010
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Feb 24, 2010
Rep. Sarbanes, John P. [D-MD-3]	D · MD		Feb 24, 2010
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		Feb 24, 2010
Rep. Stupak, Bart [D-MI-1]	D · MI		Feb 24, 2010
Rep. Terry, Lee [R-NE-2]	R · NE		Feb 24, 2010
Rep. Turner, Michael R. [R-OH-3]	R · OH		Feb 24, 2010
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Feb 24, 2010
Rep. Ellsworth, Brad [D-IN-8]	D · IN		Feb 26, 2010
Rep. Hall, John J. [D-NY-19]	D · NY		Feb 26, 2010
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Feb 26, 2010
Rep. Melancon, Charlie [D-LA-3]	D · LA		Feb 26, 2010
Rep. Davis, Lincoln [D-TN-4]	D · TN		Mar 2, 2010
Rep. Garamendi, John [D-CA-10]	D · CA		Mar 2, 2010
Rep. Dingell, John D. [D-MI-15]	D · MI		Mar 4, 2010
Rep. Pingree, Chellie [D-ME-1]	D · ME		Mar 4, 2010
Rep. Chu, Judy [D-CA-32]	D · CA		Mar 10, 2010
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Mar 16, 2010
Rep. Ellison, Keith [D-MN-5]	D · MN		Mar 24, 2010
Rep. Jackson, Jesse L., Jr. [D-IL-2]	D · IL		Mar 24, 2010
Rep. Bright, Bobby [D-AL-2]	D · AL		Mar 25, 2010
Rep. McCollum, Betty [D-MN-4]	D · MN		Mar 25, 2010
Rep. Sherman, Brad [D-CA-27]	D · CA		Mar 25, 2010

Cosponsor	Party / State	Role	Date Joined
Rep. Visclosky, Peter J. [D-IN-1]	D · IN		Mar 25, 2010
Rep. Carney, Christopher P. [D-PA-10]	D · PA		Apr 13, 2010
Rep. Filner, Bob [D-CA-51]	D · CA		Apr 13, 2010
Rep. Fudge, Marcia L. [D-OH-11]	D · OH		Apr 13, 2010
Rep. Heinrich, Martin [D-NM-1]	D · NM		Apr 13, 2010
Rep. Holden, Tim [D-PA-17]	D · PA		Apr 13, 2010
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Apr 13, 2010
Rep. Sires, Albio [D-NJ-13]	D · NJ		Apr 13, 2010
Rep. Speier, Jackie [D-CA-12]	D · CA		Apr 13, 2010
Rep. Courtney, Joe [D-CT-2]	D · CT		Apr 20, 2010
Rep. Titus, Dina [D-NV-3]	D · NV		Apr 20, 2010
Rep. Israel, Steve [D-NY-2]	D · NY		Apr 27, 2010
Rep. Meeks, Gregory W. [D-NY-6]	D · NY		Apr 27, 2010
Rep. Mollohan, Alan B. [D-WV-1]	D · WV		Apr 27, 2010
Rep. Richardson, Laura [D-CA-37]	D · CA		Apr 29, 2010
Rep. Weiner, Anthony D. [D-NY-9]	D · NY		May 4, 2010
Rep. Peters, Gary C. [D-MI-9]	D · MI		May 11, 2010
Rep. Teague, Harry [D-NM-2]	D · NM		May 11, 2010
Rep. Space, Zachary T. [D-OH-18]	D · OH		May 18, 2010
Rep. Driehaus, Steve [D-OH-1]	D · OH		May 24, 2010
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Jun 8, 2010
Rep. Murphy, Tim [R-PA-18]	R · PA		Jun 30, 2010
Rep. Smith, Adam [D-WA-9]	D · WA		Jul 22, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred to	Jun 22, 2010
Energy and Commerce Committee	House	Reported by	Jun 30, 2010
Ways and Means Committee	House	Referred to	Mar 8, 2010

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

Bill	Relationship	Last Action
111 S 1606	Related bill	<b>Aug 6, 2009:</b> Read twice and referred to the Committee on Finance.

Foreign Manufacturers Legal Accountability Act of 2010 - (Sec. 3) Directs the Food and Drug Administration (FDA) (with respect to drugs, devices, cosmetics, and biological products), the Consumer Product Safety Commission (CPSC) (with respect to consumer products), the Environmental Protection Agency (EPA) (with respect to chemical substances, new chemical substances, and pesticides), and the National Highway Traffic Safety Administration (NHTSA) (with respect to a motor vehicle or motor vehicle products) to require foreign manufacturers and producers of such products (or components used to manufacture them), in excess of a minimum value, quantity, and frequency of importation, to register an agent in the United States who is authorized to accept service of process on their behalf for the purpose of any state or federal regulatory proceeding or civil action in state or federal court.

Exempts from this Act's requirements a foreign manufacturer or producer that distributes a covered product through its U.S. parent company or U.S. subsidiary, provided certain conditions are met.

Requires the registered agent to be: (1) located in a state with a substantial connection to the importation, distribution, or sale of the products; as well as (2) an individual, domestic firm, or domestic corporation that is a U.S. permanent resident.

Directs the Secretary of Commerce to establish, maintain, and make available to the public and to the Commissioner for U.S. Customs and Border Protection (CBP): (1) a registry of such agents; and (2) information on U.S. manufacturers or producers that have submitted certifications of responsibility and liability for their foreign manufacturers or producers or who have had their certifications removed for cause.

Deems a foreign manufacturer or producer of products covered under this Act that registers an agent to consent to the personal jurisdiction of the state or federal courts of the state in which the agent is located for the purpose of any judicial proceeding.

(Sec. 4) Prohibits importation into the United States of a covered product (or component part that will be used in the United States to manufacture a covered product) if the product (or component part) or any part of the product (or component part) was manufactured or produced outside the United States by a manufacturer or producer who does not have a registered agent whose authority is in effect on the date of the importation.

(Sec. 5) Requires foreign manufacturers or producers of a covered product to report within five business days to the head of the applicable agency their determination to conduct a safety recall or other safety campaign of a covered product that is identical or substantially similar to a covered product offered for sale in the United States.

(Sec. 6) Requires the Secretary of Agriculture and the Commissioner of Food and Drugs jointly to study the feasibility and advisability of requiring foreign producers of food distributed in commerce to register an agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of any state or federal regulatory proceeding or civil action in state or federal court.

(Sec. 7) Requires the head of an applicable agency similarly to study the feasibility of methods requiring foreign manufacturers or producers of component parts of covered products distributed in U.S. commerce to register agents in the United States for purposes of such service of process.

(Sec. 8) Requires the Comptroller General to study methods to enforce judgments of any state or federal regulatory proceeding or civil action in state or federal court against Chinese manufacturers that exported defective drywall to the United States during 2004-2007.

## Actions Timeline

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- **Dec 22, 2010:** Committee on Ways and Means discharged.
- **Dec 22, 2010:** Committee on Agriculture discharged.
- **Dec 22, 2010:** Placed on the Union Calendar, Calendar No. 413.
- **Dec 21, 2010:** House Committee on Ways and Means Granted an extension for further consideration ending not later than Dec. 22, 2010.
- **Dec 21, 2010:** House Committee on Agriculture Granted an extension for further consideration ending not later than Dec. 22, 2010.
- **Dec 17, 2010:** House Committee on Ways and Means Granted an extension for further consideration ending not later than Dec. 21, 2010.
- **Dec 17, 2010:** House Committee on Agriculture Granted an extension for further consideration ending not later than Dec. 21, 2010.
- **Dec 16, 2010:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 111-683, Part I.
- **Dec 16, 2010:** House Committee on Ways and Means Granted an extension for further consideration ending not later than Dec. 17, 2010.
- **Dec 16, 2010:** House Committee on Agriculture Granted an extension for further consideration ending not later than Dec. 17, 2010.
- **Jul 21, 2010:** Committee Consideration and Mark-up Session Held.
- **Jul 21, 2010:** Ordered to be Reported (Amended) by the Yeas and Nays: 31 - 22.
- **Jun 30, 2010:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 30, 2010:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **Jun 22, 2010:** Referred to the Subcommittee on Horticulture and Organic Agriculture.
- **Mar 8, 2010:** Referred to the Subcommittee on Trade.
- **Feb 25, 2010:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Feb 24, 2010:** Introduced in House
- **Feb 24, 2010:** Referred to House Energy and Commerce
- **Feb 24, 2010:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Feb 24, 2010:** Referred to House Ways and Means
- **Feb 24, 2010:** Referred to House Agriculture