

1 (D) described in paragraph (3)(F), the Na-
2 tional Highway Traffic Safety Administration;
3 and

4 (E) described in paragraph (3)(G)—

5 (i) the Food and Drug Administra-
6 tion, if the item is intended to be a compo-
7 nent part of a product described in sub-
8 paragraphs (A) or (B) of paragraph (3);

9 (ii) the Consumer Product Safety
10 Commission, if the item is intended to be
11 a component part of a product described in
12 paragraph (3)(C);

13 (iii) the Environmental Protection
14 Agency, if the item is intended to be a
15 component part of a product described in
16 subparagraphs (D) or (E) of paragraph
17 (3); and

18 (iv) the National Highway Traffic
19 Safety Administration, if the item is in-
20 tended to be a component part of a prod-
21 uct described in paragraph (3)(F).

22 (2) COMMERCE.—The term “commerce” means
23 trade, traffic, commerce, or transportation—

24 (A) between a place in a State and any
25 place outside thereof; or

1 (B) which affects trade, traffic, commerce,
2 or transportation described in subparagraph
3 (A).

4 (3) COVERED PRODUCT.—The term “covered
5 product” means any of the following:

6 (A) Drugs, devices, and cosmetics, as such
7 terms are defined in section 201 of the Federal
8 Food, Drug, and Cosmetic Act (21 U.S.C.
9 321).

10 (B) A biological product, as such term is
11 defined in section 351(i) of the Public Health
12 Service Act (42 U.S.C. 262(i)).

13 (C) A consumer product, as such term is
14 used in section 3(a) of the Consumer Product
15 Safety Act (15 U.S.C. 2052).

16 (D) A chemical substance or new chemical
17 substance, as such terms are defined in section
18 3 of the Toxic Substances Control Act (15
19 U.S.C. 2602).

20 (E) A pesticide, as such term is defined in
21 section 2 of the Federal Insecticide, Fungicide,
22 and Rodenticide Act (7 U.S.C. 136).

23 (F) A motor vehicle or motor vehicle equip-
24 ment, as such terms are defined in section
25 30102 of title 49, United States Code.

1 (G) An item intended to be a component
2 part of a product described in subparagraph
3 (A), (B), (C), (D), (E), or (F) but is not yet
4 a component part of such product.

5 (4) DISTRIBUTE IN COMMERCE.—The term
6 “distribute in commerce” means to sell in commerce,
7 to introduce or deliver for introduction into com-
8 merce, or to hold for sale or distribution after intro-
9 duction into commerce.

10 **SEC. 3. REGISTRATION OF AGENTS OF FOREIGN MANUFAC-**
11 **TURERS AUTHORIZED TO ACCEPT SERVICE**
12 **OF PROCESS IN THE UNITED STATES.**

13 (a) REGISTRATION.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act and ex-
16 cept as provided in this subsection, the head of each
17 applicable agency shall require foreign manufactur-
18 ers and producers of covered products distributed in
19 commerce to register an agent in the United States
20 who is authorized to accept service of process on be-
21 half of such manufacturer or producer for the pur-
22 pose of any State or Federal regulatory proceeding
23 or any civil action in State or Federal court related
24 to such covered product, if such service is made in
25 accordance with the State or Federal rules for serv-

1 ice of process in the State in which the case or regu-
2 latory action is brought.

3 (2) LOCATION.—The head of each applicable
4 agency shall require that an agent of a foreign man-
5 ufacturer or producer registered under paragraph
6 (1) be—

7 (A) located in a State chosen by the for-
8 eign manufacturer or producer with a substan-
9 tial connection to the importation, distribution,
10 or sale of the products of the foreign manufac-
11 turer or producer; and

12 (B) an individual, domestic firm, or domes-
13 tic corporation that is a permanent resident of
14 the United States.

15 (3) DESIGNATION BY MANUFACTURER OR PRO-
16 DUCER AND ACCEPTANCE BY AGENT.—The head of
17 each applicable agency shall, at a minimum, require
18 a—

19 (A) written designation by a foreign manu-
20 facturer or producer with respect to which
21 paragraph (1) applies—

22 (i) signed by an official or employee of
23 the foreign manufacturer or producer with
24 authority to appoint an agent;

1 (ii) containing the full legal name,
2 principal place of business, and mailing ad-
3 dress of the manufacturer or producer;

4 (iii) containing all trade or brand
5 names, marks, logos, or other designation
6 of origin under which the covered products
7 will be sold; and

8 (iv) containing a statement that the
9 designation is valid and binding on the for-
10 eign manufacturer or producer for the pur-
11 poses of this Act; and

12 (B) written acceptance by the agent reg-
13 istered by a foreign manufacturer or producer
14 with respect to which paragraph (1) applies—

15 (i) signed by the agent or, in the case
16 in which a domestic firm or domestic cor-
17 poration is designated as an agent, an offi-
18 cial or employee of the firm or corporation
19 with authority to sign for the firm or cor-
20 poration;

21 (ii) containing the agent's full legal
22 name, physical address, mailing address,
23 and phone number; and

24 (iii) containing a statement that the
25 agent accepts the designation and acknowl-

1 edges that the duties of the agent may not
2 be assigned to another person or entity
3 and the duties remain in effect until with-
4 drawn or replaced by the foreign manufac-
5 turer or producer.

6 (4) APPLICABILITY.—

7 (A) IN GENERAL.—Paragraph (1) applies
8 only with respect to a foreign manufacturer or
9 producer that exceeds minimum requirements
10 established by the head of the applicable agency
11 under this section.

12 (B) FACTORS.—In determining the min-
13 imum requirements for application of para-
14 graph (1) to a foreign manufacturer or pro-
15 ducer, the head of the applicable agency shall,
16 at a minimum, consider the following:

17 (i) The value of all covered products
18 imported from the manufacturer or pro-
19 ducer in a calendar year.

20 (ii) The quantity of all covered prod-
21 ucts imported from the manufacturer or
22 producer in a calendar year.

23 (iii) The frequency of importation
24 from the manufacturer or producer in a
25 calendar year.

1 (b) REGISTRY OF AGENTS OF FOREIGN MANUFAC-
2 TURERS.—

3 (1) IN GENERAL.—The Secretary of Commerce
4 shall, in cooperation with each head of an applicable
5 agency, establish and keep up to date a registry of
6 agents registered under subsection (a).

7 (2) AVAILABILITY.—The Secretary of Com-
8 merce shall make the registry established under
9 paragraph (1) available—

10 (A) to the public in a searchable format
11 through the Internet website of the Department
12 of Commerce; and

13 (B) to the Commissioner responsible for
14 U.S. Customs and Border Protection in a for-
15 mat prescribed by the Commissioner.

16 (c) CONSENT TO JURISDICTION.—

17 (1) IN GENERAL.—A foreign manufacturer or
18 producer of a covered product that registers an
19 agent under this section thereby consents to the per-
20 sonal jurisdiction of the State and Federal courts of
21 the State in which the registered agent is located for
22 the purpose of any judicial proceeding related to
23 such covered product.

24 (2) RULE OF CONSTRUCTION.—Paragraph (1)
25 shall not apply to actions brought by foreign plain-

1 tiffs where the alleged injury or damage occurred
2 outside the United States.

3 (d) REGULATIONS.—

4 (1) IN GENERAL.—Not later than the date de-
5 scribed in subsection (a)(1), the Secretary of Com-
6 merce, the Commissioner responsible for U.S. Cus-
7 toms and Border Protection, and each head of an
8 applicable agency shall prescribe regulations to carry
9 out this section.

10 (2) INTERAGENCY COOPERATION.—The Sec-
11 retary of Commerce, the Commissioner responsible
12 for U.S. Customs and Border Protection, and each
13 head of an applicable agency shall cooperate and
14 consult with one another for the purpose of—

15 (A) prescribing consistent regulations to
16 the extent necessary for the effective and effi-
17 cient sharing of information and establishment
18 of systems and procedures necessary to carry
19 out this section; and

20 (B) establishing minimum requirements
21 described in subsection (a)(4), and to the extent
22 advisable and practicable for the purpose of es-
23 tablishing consistent minimum requirements.

1 **SEC. 4. PROHIBITION OF IMPORTATION OF PRODUCTS OF**
2 **MANUFACTURERS WITHOUT REGISTERED**
3 **AGENTS IN UNITED STATES.**

4 (a) IN GENERAL.—Beginning on the date that is 180
5 days after the date the regulations required under section
6 3(d) are prescribed, a person may not import into the
7 United States a covered product (or component part that
8 will be used in the United States to manufacture a covered
9 product) if such product (or component part) or any part
10 of such product (or component part) was manufactured
11 or produced outside the United States by a manufacturer
12 or producer who does not have a registered agent de-
13 scribed in section 3(a) whose authority is in effect on the
14 date of the importation.

15 (b) ENFORCEMENT.—The Secretary of Homeland Se-
16 curity shall prescribe regulations to enforce the prohibition
17 in subsection (a).

18 **SEC. 5. REPORTING OF DEFECTS IN COVERED PRODUCTS**
19 **IN FOREIGN COUNTRIES.**

20 (a) DETERMINATION BY MANUFACTURER OR PRO-
21 DUCER.—Not later than 5 working days after determining
22 to conduct a safety recall or other safety campaign in a
23 foreign country of a covered product that is identical or
24 substantially similar to a covered product offered for sale
25 in the United States, the manufacturer or producer of the

1 covered product shall report the determination to the head
2 of the applicable agency.

3 (b) DETERMINATION BY FOREIGN GOVERNMENT.—
4 Not later than 5 working days after receiving notification
5 that the government of a foreign country has determined
6 that a safety recall or other safety campaign must be con-
7 ducted in the foreign country of a covered product that
8 is identical or substantially similar to a covered product
9 offered for sale in the United States, the manufacturer
10 or producer of the covered product shall report the deter-
11 mination to the head of the applicable agency.

12 (c) REPORTING REQUIREMENTS.—Not later than the
13 date described in subsection (d), the head of each applica-
14 ble agency shall prescribe the contents of the notification
15 required by this section.

16 (d) EFFECTIVE DATE.—Except as provided in sub-
17 section (c), this section shall take effect on the date that
18 is one year after the date of the enactment of this Act.

19 **SEC. 6. STUDY ON REGISTRATION OF AGENTS OF FOREIGN**
20 **FOOD PRODUCERS AUTHORIZED TO ACCEPT**
21 **SERVICE OF PROCESS IN THE UNITED**
22 **STATES.**

23 Not later than 1 year after the date of the enactment
24 of this Act, the Secretary of Agriculture and the Commis-
25 sioner of Food and Drugs shall jointly—

1 (1) complete a study on the feasibility and ad-
2 visability of requiring foreign producers of food dis-
3 tributed in commerce to register an agent in the
4 United States who is authorized to accept service of
5 process on behalf of such producers for the purpose
6 of any State or Federal regulatory proceeding or any
7 civil action in State or Federal court related to such
8 food products; and

9 (2) submit to Congress a report on the findings
10 of the Secretary with respect to such study.

11 **SEC. 7. STUDY ON REGISTRATION OF AGENTS OF FOREIGN**
12 **MANUFACTURERS AND PRODUCERS OF COM-**
13 **PONENT PARTS WITHIN COVERED PROD-**
14 **UCTS.**

15 Not later than 1 year after the date of the enactment
16 of this Act, the head of each applicable agency shall—

17 (1) complete a study on determining feasible
18 and advisable methods of requiring manufacturers or
19 producers of component parts within covered prod-
20 ucts manufactured or produced outside the United
21 States and distributed in commerce to register
22 agents in the United States who are authorized to
23 accept service of process on behalf of such manufac-
24 turers or producers for the purpose of any State or
25 Federal regulatory proceeding or any civil action in

1 State or Federal court related to such component
2 parts; and

3 (2) submit to Congress a report on the findings
4 of the head of the applicable agency with respect to
5 the study.

6 **SEC. 8. RELATIONSHIP WITH OTHER LAWS.**

7 Nothing in this Act shall affect the authority of any
8 State to establish or continue in effect a provision of State
9 law relating to service of process or personal jurisdiction,
10 except to the extent that such provision of law is incon-
11 sistent with the provisions of this Act, and then only to
12 the extent of such inconsistency.

