

**AMENDMENT TO THE  
COMMITTEE PRINT FOR H.R. 4678  
OFFERED BY MR. WAXMAN OF CALIFORNIA**

Page 5, beginning on line 12, strike “Not later than one year after the date of the enactment of this Act” and insert the following: “Beginning on the date that is 180 days after the date on which the regulations are prescribed pursuant to section 3(d)”.

Page 5, after line 7, insert the following new paragraph:

- 1           (5) FOREIGN MANUFACTURER OR PRODUCER.—
- 2           The term “foreign manufacturer or producer” does
- 3           not include—
- 4                   (A) a foreign manufacturer or producer of
- 5                   covered products that is owned or controlled, di-
- 6                   rectly or indirectly, by one or more United
- 7                   States natural or legal persons, if—
- 8                           (i) the United States natural or legal
- 9                           person has assets in excess of the foreign
- 10                          manufacturer or producer; or
- 11                           (ii) the United States natural or legal
- 12                          person owns or controls more than one for-

1            foreign manufacturer or producer of covered  
2            products and such person has assets in ex-  
3            cess of the average assets held by each for-  
4            eign manufacturer or producer; or

5            (B) a foreign manufacturer or producer of  
6            covered products that owns or controls, or  
7            through common ownership or control is affili-  
8            ated with, directly or indirectly, one or more  
9            United States operating legal persons if the  
10           principal executive officer residing in the United  
11           States of each United States operating legal  
12           person certifies in writing to the applicable  
13           agency that such person—

14                    (i) is responsible for any liability from  
15                    a covered product of the foreign manufac-  
16                    turer or producer, including liability from  
17                    the design, testing, assembly, manufac-  
18                    turing, warnings, labeling, inspection,  
19                    packaging, or any other cause of action re-  
20                    lated to the covered product; and

21                    (ii) will serve as the initial point of  
22                    contact for the applicable agency in case of  
23                    a voluntary or mandatory recall or other  
24                    issue involving the safety of a covered  
25                    product.

Page 6, line 25, insert “and” after the semicolon.

Page 7, strike lines 1 through 4.

Page 8, beginning on line 23, insert “AND CERTIFICATIONS” after “FOREIGN MANUFACTURERS”.

Page 9, strike line 4 and insert the following: “agents registered under subsection (a), certifications submitted under section 2(5)(B), and certifications removed pursuant to subsection (e).”

Page 10, beginning on line 2, strike “Not later than the date described in subsection (a)(1),” and insert the following: “Not later than one year after the date of the enactment of this Act,”.

Page 10, after line 21, insert the following new subsection:

1       (e) CERTIFICATION REQUIREMENTS.—Upon actual  
2 knowledge or verified information that any person to  
3 whom the requirements of section 2(5)(B) applies has  
4 failed to fulfill such requirements the applicable agency  
5 shall—

6           (1) notify the Secretary of Commerce that the  
7 certification of such person must be removed from  
8 the registry under section 3(b); and

- 1 (2) notify such person that the related foreign
- 2 manufacturer or producer must comply with section
- 3 3.

