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**ANOTHER LAW? Is This Really Unnecessary?**

That terrific daily newsletter *International Trade Today (ITT)* published an article August 13 on a bill introduced in Congress on July 29, 2015. The bill, if signed into law, would direct the Food & Drug Administration, Consumer Product Safety Commission and Environmental Protection Agency to have non-resident manufacturers of products under the regulation of those Federal agencies name resident agents for service of process.

I thought that the "lawmakers" in Congress were usually "lawyers." As we all know, not every lawyer is a *good lawyer*.

This is probably a well-intentioned proposal, bearing bill number HR 3304. In my mind, it is totally unnecessary. I see it as being akin to having a new law that makes it a Federal crime to murder someone in puce & pink plaid pajamas. The standards for murder as a crime on the State and Federal levels have been long-established. I don't know that pajama-wearing persons would be any more protected with new legislation, but superfluous laws are introduced, passed and signed into law with abandon as if they meant nothing--and often they are just that: meaningless.

This "resident agent" proposal would mean that a foreign manufacturer would have someone in the United States that would be known to the particular Federal regulator, so that service of a summons could be made in the U.S.

To which I say: SO WHAT?

The agent would not be liable for any statutory violation by the foreign manufacturer. The foreign manufacturer could still refuse to appear in a U.S. court, and a default judgment would still have to be enforced in a foreign venue. Oh, and there already is Federal long-arm jurisdiction which would allow an action to be pursued in a Federal court against non-residents.

The bill is not without its humor. There is a section that bears the heading the "Sense of Congress." The text thereunder explains that Congress, or at least the drafters, have the sense that things just ain't right and this'll fix 'em.

The proposal comes in with the grand title the "Foreign Manufacturers Legal Accountability Act of 2015." If we cast it as a movie, could we get those guys from *Dumb and Dumber*?

BTW--the ITT headline said that the proposal was "gaining steam." I believe it is gaseous, but steam isn't supposed to smell.

SIMON GLUCK & KANE LLP

A handwritten signature in black ink, appearing to read "Christopher M. Kane". The signature is written in a cursive, flowing style with a large initial 'C'.

Christopher M. Kane