

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2715
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Destruction of Haz-
3 arduous Imports Act”.

4 SEC. 2. DESTRUCTION OF CERTAIN REFUSED ARTICLES.

5 (a) IN GENERAL.—Section 801 of the Federal Food,
6 Drug, and Cosmetic Act (21 U.S.C. 381) is amended by
7 adding at the end the following:

8 “(v) DESTRUCTION OF REFUSED ARTICLES PRE-
9 SENTING SIGNIFICANT PUBLIC HEALTH CONCERNS.—

10 “(1) IN GENERAL.—If the Secretary of Health
11 and Human Services finds that an article that has
12 been refused admission under subsection (a) pre-
13 sents a significant public health concern, the Sec-
14 retary may issue to the owner or consignee of the
15 article an order to destroy the article, without the
16 opportunity for export.

17 “(2) DEADLINE; COSTS.—Not later than 90
18 days after the issuance of an order under paragraph

1 (1), the owner or consignee of the article shall de-
2 stroy the article. The owner or consignee shall be re-
3 sponsible for the costs of such destruction.

4 “(3) DUE PROCESS.—The Secretary of Health
5 and Human Services shall provide to the owner or
6 consignee of an article subject to an order under
7 paragraph (1) appropriate due process prior to the
8 destruction of the article. Such due process shall in-
9 clude notice and an opportunity to appear before the
10 Secretary and introduce testimony on the destruc-
11 tion—

12 “(A) in combination with the notice and
13 opportunity to appear and introduce testimony
14 on the refusal of admission of the article under
15 subsection (a); or

16 “(B) separately.”.

17 (b) PROHIBITED ACTS.—Section 301 of the Federal
18 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
19 ed by adding at the end the following:

20 “(jjj) The unauthorized movement, or introduction or
21 delivery for introduction into interstate commerce, includ-
22 ing export, of an article that is subject to an order for
23 destruction under section 801(v).”.

24 (c) APPLICABILITY.—The amendments made by sub-
25 sections (a) and (b) shall apply to articles beginning on

1 the date that is 180 days after the date of enactment of
2 this Act.

3 (d) REGULATIONS.—Not later than 2 years after the
4 date of enactment of this Act, the Secretary of Health and
5 Human Services, acting through the Commissioner of
6 Food and Drugs, shall finalize such revisions to regula-
7 tions as may be necessary to implement the amendment
8 made by subsection (a).

