

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7979
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “End China’s De Mini-
3 mis Abuse Act”.

4 SEC. 2. MODIFICATION OF ADMINISTRATIVE EXEMPTIONS

5 UNDER THE TARIFF ACT OF 1930.

6 (a) IN GENERAL.—Section 321 of the Tariff Act of
7 1930 (19 U.S.C. 1321) is amended—

8 (1) in subsection (a)(2)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “admit articles” and inserting
11 “subject to subsection (b)(1), admit articles”;

12 (B) in subparagraph (C)—

13 (i) by striking “\$800” and inserting
14 “subject to subsection (b)(2), \$800”; and

15 (ii) by striking the period at the end
16 and inserting “; and”;

1 (C) in the matter following subparagraph
2 (C), by striking “The privilege” and all that fol-
3 lows through “; and”;

4 (2) by redesignating subsection (b) as sub-
5 section (d); and

6 (3) by inserting after subsection (a) the fol-
7 lowing:

8 “(b)(1) The privilege of subparagraph (A), (B), or
9 (C) of subsection (a)(2) shall not be granted in any case
10 in which merchandise covered by a single order or contract
11 is forwarded in separate lots to secure the benefit of such
12 subsection.

13 “(2) The privilege of subparagraph (C) of subsection
14 (a)(2) shall not be granted with respect to any article that
15 is subject to duties or other import restrictions under any
16 of the following provisions of law:

17 “(A) Subtitle A or B of title VII of this Act.

18 “(B) Section 201 of the Trade Act of 1974 (19
19 U.S.C. 2251).

20 “(C) Section 301 of the Trade Act of 1974 (19
21 U.S.C. 2411).

22 “(D) Section 232 of the Trade Expansion Act
23 of 1962 (19 U.S.C. 1862).

24 “(3)(A) No covered article may receive the privilege
25 of subparagraph (C) of subsection (a)(2) unless the 10-

1 digit classification of the article under the Harmonized
2 Tariff Schedule of the United States is provided to U.S.
3 Customs and Border Protection, pursuant to an author-
4 ized electronic data interchange system, as part of the
5 entry filing in accordance with section 498 of this Act,
6 in addition to any other information required by law.

7 “(B) In this paragraph, the term ‘covered article’
8 means an article the origin of which is a country with any
9 goods subject to duties or other import restrictions under
10 section 301 of the Trade Act of 1974 (19 U.S.C. 2411).

11 “(c) Any person who enters, introduces, or attempts
12 to introduce an article in violation of this section is liable
13 for a civil penalty of \$5,000 for the first violation; and
14 \$10,000 for each subsequent violation. A penalty imposed
15 under this subsection is in addition to any other penalty
16 authorized by law.”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply with respect to articles entered,
19 or withdrawn from warehouse for consumption, on or after
20 the 30th day after the date of the enactment of this Act.

