

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4930
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHARING OF INFORMATION WITH RESPECT TO
2 SUSPECTED VIOLATIONS OF INTELLECTUAL
3 PROPERTY RIGHTS.**

4 Section 628A of the Tariff Act of 1930 (19 U.S.C.
5 1628a) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “suspects” and inserting “has a rea-
9 sonable suspicion”;

10 (B) in paragraph (1)—

11 (i) by inserting “, packing materials,
12 containers,” after “its packaging”;

13 (ii) by striking “and its packaging
14 and labels” after “images of the merchan-
15 dise” and inserting “, its packaging, pack-
16 ing materials, containers, and labels”; and

17 (iii) by striking “; and” and inserting
18 a semicolon;

1 (C) in paragraph (2), by striking the pe-
2 riod and inserting a semicolon; and

3 (D) by adding at the end the following:

4 “(3) may provide to the person nonpublic infor-
5 mation about the merchandise that was generated by
6 an online marketplace or other similar market plat-
7 form, express consignment operator, freight for-
8 warder, or any other entity that plays a role in the
9 sale or importation of merchandise, or the facilita-
10 tion thereof, into the United States that has been
11 provided to, shared with, or obtained by U.S. Cus-
12 toms and Border Protection; and

13 “(4) in the case of the provision of nonpublic
14 information described in paragraph (3), shall provide
15 to the person notification of the information trans-
16 mitted, in accordance with such regulations as the
17 Secretary may prescribe.”; and

18 (2) in subsection (b)—

19 (A) in paragraph (3), by striking “; and”
20 and inserting a semicolon;

21 (B) in paragraph (4), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following:

1 “(5) any other party with an interest in the
2 merchandise, as determined appropriate by the Com-
3 missioner.”.

