

108TH CONGRESS  
1ST SESSION

# H. R. 3661

To amend the Tariff Act of 1930 to provide for the seizure, forfeiture, and destruction of textile and apparel articles imported in violation of certain laws of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2003

Mr. HAYES introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Tariff Act of 1930 to provide for the seizure, forfeiture, and destruction of textile and apparel articles imported in violation of certain laws of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Illegal Transshipments  
5       Enforcement Act of 2003”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—The Congress finds that—

1           (1) the textile and apparel sector in the United  
2       States is being seriously hurt by smuggling and  
3       transshipment of textile and apparel products from  
4       abroad;

5           (2) tens of thousands of textile and apparel  
6       workers in the United States have lost their jobs be-  
7       cause of these illegal activities;

8           (3) according to industry and government esti-  
9       mates, illegal textile and apparel smuggling and  
10      transshipment totals billions of dollars each year;

11          (4) the People's Republic of China and other  
12      major Asian exporters have a decades-long history of  
13      illegally shipping textile and apparel goods to the  
14      United States; and

15          (5) a new avenue of illegal trade, which involves  
16      the evasion of duties using countries who are pref-  
17      erential trading partners with the United States, has  
18      developed and is particularly harmful to the textile  
19      and apparel industry in the United States.

20      (b) PURPOSE.—It is the purpose of this Act and the  
21      amendments made by this Act to increase and broaden  
22      the scope of certain penalties relating to illegal imports  
23      and cargo theft so as to enable the Bureau of Customs  
24      and Border Protection of the Department of Homeland  
25      Security to effectively deter commercial fraud in the

1 United States, particularly concerning textile and apparel  
2 products.

3 **SEC. 3. SEIZURE AND DESTRUCTION OF CERTAIN TEXTILE**  
4 **AND APPAREL ARTICLES.**

5 Part V of title IV of the Tariff Act of 1930 (19  
6 U.S.C. 1581 et seq.) is amended by adding at the end  
7 the following new section:

8 **“SEC. 632. DESTRUCTION OF FORFEITED TEXTILE AND AP-**  
9 **PAREL PRODUCTS.**

10 “Notwithstanding any other provision of law, the ap-  
11 propriate customs officer may destroy textile or apparel  
12 products that have been forfeited by reason of a violation  
13 of the customs laws.”.

14 **SEC. 4. AUTHORITY TO SEIZE MERCHANDISE IN CERTAIN**  
15 **CASES.**

16 Section 596(c)(2)(F) of the Tariff Act of 1930 (19  
17 U.S.C. 1595a(c)(2)(F)) is amended by striking “iden-  
18 tical”.

19 **SEC. 5. INCREASED PENALTIES FOR VIOLATIONS BY CUS-**  
20 **TOMS BROKERS.**

21 Section 641(d)(2)(A) of the Tariff Act of 1930 (19  
22 U.S.C. 1641(d)(2)(A)) is amended by striking “\$30,000  
23 in total for a violation or violations of this section” and  
24 inserting “\$100,000 for each violation of this section”.

1 **SEC. 6. PUNISHMENT OF CARGO THEFT.**

2 (a) IN GENERAL.—Section 659 of title 18, United  
3 States Code, is amended—

4 (1) by striking “with intent to convert to his  
5 own use” each place it appears;

6 (2) in the first undesignated paragraph—

7 (A) by inserting “trailer,” after  
8 “motortruck,”;

9 (B) by inserting “air cargo container,”  
10 after “aircraft,”; and

11 (C) by inserting “, or from any intermodal  
12 container, trailer, container freight station,  
13 warehouse, or freight consolidation facility,”  
14 after “air navigation facility”;

15 (3) in the fifth undesignated paragraph, by  
16 striking “one year” and inserting “3 years”; and

17 (4) in the penultimate undesignated paragraph,  
18 by inserting after the first sentence the following:

19 “For purposes of this section, goods and chattel  
20 shall be construed to be moving as an interstate or  
21 foreign shipment at all points between the point of  
22 origin and the final destination (as evidenced by the  
23 waybill or other shipping document of the shipment),  
24 regardless of any temporary stop while awaiting  
25 transshipment or otherwise.”.

1       (b) FEDERAL SENTENCING GUIDELINES.—Pursuant  
2 to section 994 of title 28, United States Code, the United  
3 States Sentencing Commission shall review the Federal  
4 sentencing guidelines under section 659 of title 18, United  
5 States Code, as amended by this section, and, upon com-  
6 pletion of the review, promulgate amendments to the Fed-  
7 eral Sentencing Guidelines to provide appropriate en-  
8 hancement of the applicable guidelines.

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