

114TH CONGRESS
1ST SESSION

S. 892

To provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce customs and trade laws relating to textile and apparel articles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2015

Mr. GRAHAM (for himself and Mr. BROWN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce customs and trade laws relating to textile and apparel articles, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Textile Enforcement and Security Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Textile or apparel article defined.
- Sec. 3. Definitions.
- Sec. 4. Findings.
- Sec. 5. Sense of Congress.

TITLE I—ADDITIONAL AUTHORITIES FOR U.S. CUSTOMS AND BORDER PROTECTION

- Sec. 101. Seizure and forfeiture of certain textile or apparel articles and use of amounts from fines, penalties, and forfeitures.
- Sec. 102. Increase in certain TTA positions and import specialist positions, assignment of certain operations staff, and biennial review of staff levels.

TITLE II—ENTRY VERIFICATION PROVISIONS

- Sec. 201. Special provisions regarding certain violations relating to import documentation.
- Sec. 202. Electronic preference verification system for origin of textile or apparel articles under CAFTA–DR, NAFTA, and other free trade agreements.
- Sec. 203. Establishment of textile and apparel new importer program.
- Sec. 204. Nonresident importer declaration program for textile or apparel articles.

TITLE III—ESTABLISHMENT OF TEXTILE AND APPAREL MANUFACTURING AND SUPPLIER REGISTRY

- Sec. 301. Establishment of textile and apparel manufacturing and supplier registry.

TITLE IV—IMPLEMENTATION REPORT

- Sec. 401. Implementation report.

1 **SEC. 2. TEXTILE OR APPAREL ARTICLE DEFINED.**

2 (a) IN GENERAL.—In this Act, the term “textile or
3 apparel article” means any of the following:

4 (1) Any good classifiable under chapters 50
5 through 63 of the HTS.

6 (2) Any good classifiable under one of the fol-
7 lowing HTS headings or subheadings:

8 (A) 3005.90.

9 (B) 3921.12.15.

10 (C) 3921.13.15.

1 (D) 3921.90.11.

2 (E) 3921.90.15.

3 (F) 3921.90.19.

4 (G) 3921.90.25.

5 (H) 3921.90.29.

6 (I) 3921.90.40.

7 (J) 6601.

8 (K) 7019.19.15.

9 (L) 7019.19.28.

10 (M) 7019.40 through 7019.59.

11 (N) 8708.21.00.

12 (O) 9404.30.

13 (P) 9404.90.

14 (b) HTS DEFINED.—In subsection (a), the term
15 “HTS” means the Harmonized Tariff Schedule of the
16 United States.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) CAFTA–DR COUNTRY.—The term
20 “CAFTA–DR country” has the meaning given such
21 term in section 3(2) of the Dominican Republic-Cen-
22 tral America-United States Free Trade Agreement
23 Implementation Act (19 U.S.C. 4002(2)).

24 (2) CEE.—The term “CEE” means the Center
25 of Excellence and Expertise for Apparel, Footwear,

1 and Textiles of U.S. Customs and Border Protec-
2 tion.

3 (3) COMMISSIONER.—The term “Commis-
4 sioner” means the Commissioner responsible for
5 U.S. Customs and Border Protection.

6 (4) DEDICATED.—The term “dedicated”
7 means, with respect to an import specialist, that the
8 import specialist focuses solely on the import of tex-
9 tile or apparel articles.

10 (5) ENTER; ENTRY.—The terms “enter” and
11 “entry” refer to the entry, or withdrawal from ware-
12 house for consumption, of a textile or apparel article
13 in the customs territory of the United States.

14 (6) IMPORTER.—The term “importer” means
15 one of the parties qualifying as an importer of
16 record under section 484(a)(2)(B) of the Tariff Act
17 of 1930 (19 U.S.C. 1484(a)(2)(B)).

18 (7) NEW IMPORTER.—The term “new im-
19 porter” means an importer with fewer than 3 years
20 of history of importing textile or apparel articles into
21 the United States. For purposes of this paragraph,
22 a new importer that merges with or is purchased by
23 another importer, or is otherwise altered, shall be
24 considered to remain a new importer until such time
25 as such new importer presents proof to the Commis-

1 sioner of such merger, purchase, or other alteration
2 for a determination regarding whether such new im-
3 porter may be treated as an importer.

4 (8) NONRESIDENT IMPORTER.—The term “non-
5 resident importer” means an importer who is—

6 (A) an individual who is not a citizen of
7 the United States or an alien lawfully admitted
8 for permanent residence in the United States;
9 or

10 (B) a partnership, corporation, or other
11 commercial entity that is not organized under
12 the laws of a jurisdiction within the customs
13 territory of the United States (as such term is
14 defined in General Note 2 of the Harmonized
15 Tariff Schedule of the United States) or in the
16 Virgin Islands of the United States.

17 (9) SPECIAL OPERATIONS.—The term “special
18 operations” means an initiative that is—

19 (A) implemented to address specific in-
20 stances of transactions that do not comply with
21 the customs and trade laws of the United
22 States with respect to textile or apparel articles;

23 (B) used to address any import violations
24 involving textile or apparel articles, including
25 fraud, quota requirements, revenue collection,

1 trade preferences or requirements under free
2 trade agreements, product safety, antidumping
3 and countervailing duties, or intellectual prop-
4 erty rights; or

5 (C) initiated to address a singular instance
6 or a pattern of high-risk behavior, involving a
7 particular commodity or other trade issue, in-
8 cluding valuation, origin fraud, or trade pref-
9 erence violation, on the part of a country, im-
10 porter, shipper, exporter, customs broker,
11 freight forwarder, or manufacturer.

12 (10) TTA.—The term “TTA” means the Tex-
13 tile and Trade Agreements division of the Office of
14 International Trade within U.S. Customs and Bor-
15 der Protection.

16 (11) TPVTs.—The term “TPVTs” means Tex-
17 tile Product Verification Teams.

18 (12) TRAINED.—The term “trained” means,
19 with respect to an import specialist, that such im-
20 port specialist has received, at least during the last
21 3 years, education or training related to the import
22 of textile or apparel articles.

23 **SEC. 4. FINDINGS.**

24 Congress finds the following:

1 (1) The fraudulent or illegal importation of tex-
2 tile and apparel articles into the United States re-
3 sults in significant revenue loss to the Department
4 of the Treasury.

5 (2) The Textile and Trade Agreements division
6 of the Office of International Trade within U.S.
7 Customs and Border Protection or any subsequent
8 division has, with respect to textile or apparel arti-
9 cles, the primary responsibility to ensure the proper
10 enforcement of all customs and trade laws, rules,
11 and regulations affecting textile and apparel articles.

12 (3) The TTA has the authority to direct the im-
13 plementation and enforcement of free trade agree-
14 ments, multilateral agreements, bilateral textile
15 agreements, trade preference programs, and all
16 other customs and trade laws affecting textiles and
17 apparel articles.

18 (4) The primary focus of the TTA is to ensure
19 the effective implementation of all trade enforcement
20 activities involving textile or apparel articles with its
21 principal focus to prevent circumvention of the re-
22 quirements to obtain preferential trade treatment
23 under free trade agreements and trade preference
24 programs in order to avoid quotas or duties.

1 **SEC. 5. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) U.S. Customs and Border Protection and
4 the TTA should be involved in supporting the nego-
5 tiation of enforcement provisions of trade preference
6 programs and free trade agreements affecting tex-
7 tiles and apparel articles;

8 (2) the TTA should conduct outreach to other
9 Federal departments and agencies involved in overall
10 trade policy, such as the Department of Commerce
11 and the Office of the United States Trade Rep-
12 resentative;

13 (3) the TTA should develop policies and proce-
14 dures that provide guidance to the CEE and to the
15 ports of entry of textile and apparel articles, includ-
16 ing training of officials of U.S. Customs and Border
17 Protection;

18 (4) officials of the TTA should coordinate and
19 collaborate with officials of the CEE to establish en-
20 forcement priorities, based on risk assessments, and
21 a national enforcement response;

22 (5) the TTA headquarters office is currently
23 below its optimal staffing levels and the TTA per-
24 sonnel efforts should be targeted at retaining senior
25 staff and hiring new qualified personnel so that the
26 division is brought up to optimal staffing levels, and

1 these positions should be designated as not only pol-
2 icy positions, but enforcement positions as well;

3 (6) the TTA should implement special oper-
4 ations, Textile Product Verification Teams, and
5 other actions under U.S. Customs and Border Pro-
6 tection authority to ensure enforcement of customs
7 and trade laws relating to imports of textile or ap-
8 parel articles in a timely manner as concerns arise,
9 particularly as such concerns relate to enforcement
10 of the North American Free Trade Agreement,
11 signed at Washington, Ottawa, and Mexico City De-
12 cember 8, 11, 14 and 17, 1992, the Dominican Re-
13 public-Central America-United States Free Trade
14 Agreement, signed at Washington August 5, 2004,
15 and all other free trade agreements and trade pref-
16 erence programs, in order to prevent transshipments
17 and origin fraud;

18 (7) officials of the TTA should coordinate and
19 collaborate with foreign government counterparts to
20 ensure effective enforcement of textile and apparel
21 articles; and

22 (8) U.S. Customs and Border Protection should
23 ensure that seizures, detentions, special operations,
24 and TPVTs remain the primary focus of its enforce-
25 ment efforts relating to textile and apparel articles.

1 **TITLE I—ADDITIONAL AUTHORI-**
2 **TIES FOR U.S. CUSTOMS AND**
3 **BORDER PROTECTION**

4 **SEC. 101. SEIZURE AND FORFEITURE OF CERTAIN TEXTILE**
5 **OR APPAREL ARTICLES AND USE OF**
6 **AMOUNTS FROM FINES, PENALTIES, AND**
7 **FORFEITURES.**

8 (a) SEIZURE AND FORFEITURE.—

9 (1) IN GENERAL.—The following textile or ap-
10 parel articles shall be subject to seizure and for-
11 feiture in accordance with the customs and trade
12 laws of the United States and title 18, United States
13 Code:

14 (A) Any textile or apparel article imported
15 into the United States—

16 (i) for which a trade preference has
17 been claimed; and

18 (ii) that has been either misdescribed
19 on entry as to country of origin or for
20 which the importer does not verify actual
21 country of origin, for purposes of avoiding
22 a duty or other obligation to the United
23 States Government, including—

24 (I) any textile or apparel article
25 accompanied by documentation that

1 indicates a false or fraudulent country
2 of origin or source of textile or ap-
3 parel articles; and

4 (II) any textile or apparel article
5 accompanied by a counterfeit visa, li-
6 cense, permit, bill of lading, or similar
7 documentation that is subsequently
8 used by the importer for entry of tex-
9 tile or apparel articles.

10 (B) A textile or apparel article imported
11 into the United States by an importer who pro-
12 vides false information with respect to the phys-
13 ical address of the importer or who does not
14 meet the requirements of section 484(a)(2)(B)
15 of the Tariff Act of 1930 (19 U.S.C.
16 1484(a)(2)(B)).

17 (2) EXCEPTION.—A clerical error shall not be
18 considered a violation of paragraph (1) unless such
19 error is part of a pattern of negligent conduct.

20 (b) USE OF AMOUNTS FROM FINES, PENALTIES,
21 AND FORFEITURES.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, the Secretary of Homeland Secu-
24 rity, the Commissioner, or the Secretary of the
25 Treasury, as applicable—

1 (A) shall use amounts from fines, pen-
2 alties, and forfeitures of property for violations
3 of any law regarding the import of textile or ap-
4 parel articles enforced by the Secretary of
5 Homeland Security or the Secretary of the
6 Treasury to pay for—

7 (i) expenses directly related to special
8 operations, TPVTs, and other enforcement
9 actions;

10 (ii) expenses related to training and
11 education for applicable revenue positions,
12 including import specialists, international
13 trade specialists, and auditors who partici-
14 pate in the enforcement of the customs
15 and trade laws of the United States with
16 respect to the export or import of textile or
17 apparel articles; and

18 (iii) implementation of the provisions
19 of this Act; and

20 (B) may use amounts from fines, penalties,
21 and forfeitures of property for violations of any
22 law regarding the import of textile or apparel
23 articles enforced by the Secretary of Homeland
24 Security, the Commissioner, or the Secretary of
25 the Treasury to pay for a reward of not less

1 than 20 percent of the amount of the fine or
 2 penalty collected, or the value of the property
 3 forfeited, or \$20,000, whichever is the lesser
 4 amount, to any person who furnishes informa-
 5 tion that leads to an arrest, conviction, civil
 6 penalty assessment, or forfeiture of property for
 7 any violation of any law regarding the import of
 8 textile or apparel articles enforced by the Sec-
 9 retary of Homeland Security, the Commis-
 10 sioner, or the Secretary of the Treasury.

11 (2) RULE OF CONSTRUCTION.—Amounts de-
 12 scribed in paragraph (1) and used to pay for ex-
 13 penses described in subparagraph (A) of that para-
 14 graph or a reward described in subparagraph (B) of
 15 that paragraph are in addition to amounts otherwise
 16 available for such purposes.

17 **SEC. 102. INCREASE IN CERTAIN TTA POSITIONS AND IM-**
 18 **PORT SPECIALIST POSITIONS, ASSIGNMENT**
 19 **OF CERTAIN OPERATIONS STAFF, AND BIEN-**
 20 **NIAL REVIEW OF STAFF LEVELS.**

21 (a) INCREASE IN CERTAIN TTA POSITIONS.—Not
 22 later than 180 days of the date of the enactment of this
 23 Act, the Commissioner shall ensure that—

24 (1) the Textile Enforcement Branch (or any
 25 successor or related branch) of the TTA shall con-

1 sist of, at a minimum, one branch chief and 6 oper-
2 ations staff, of whom 3 operations staff shall be as-
3 signed to one of the CAFTA–DR countries for pur-
4 poses of assisting U.S. Customs and Border Protec-
5 tion with verification of textile and apparel pref-
6 erences claimed under the Dominican Republic-Cen-
7 tral America-United States Free Trade Agreement,
8 signed at Washington August 5, 2004;

9 (2) the Textile Policy Branch (or any successor
10 or related division) of the TTA shall consist of, at
11 a minimum, one division chief, 3 operations staff,
12 and 2 textile trade analysts; and

13 (3) the Quota Branch (or any successor or re-
14 lated branch of the Interagency Collaboration Divi-
15 sion) of the TTA shall consist of, at a minimum, one
16 branch chief and 4 operations staff.

17 (b) INCREASE IN TEXTILE AND APPAREL TRAINED
18 IMPORT SPECIALISTS.—As soon as practicable after the
19 date of the enactment of this Act, the Commissioner shall
20 certify, with respect to the 15 largest (by value of entries)
21 United States ports of entry for textile or apparel articles,
22 that import specialists who are assigned to such ports of
23 entry are trained in fraud, trade preference verification,
24 classification, undervaluation, or other issues relating to
25 imports of textile or apparel articles so that the number

1 of such trained import specialist positions is not less than
2 150 percent of the number of trained import specialist po-
3 sitions as of the date of the enactment of this Act.

4 (c) INCREASE IN DEDICATED TEXTILE AND AP-
5 PAREL IMPORT SPECIALISTS.—As soon as practicable
6 after the date of the enactment of this Act, the Commis-
7 sioner shall increase dedicated textile and import special-
8 ists by 25 percent at the 15 largest (by value of entries)
9 United States ports of entry for textile or apparel articles
10 over the number of such specialists as of the date of the
11 enactment of this Act.

12 (d) ASSIGNMENT OF OPERATIONS STAFF TO IM-
13 PORTS FROM CERTAIN COUNTRIES.—Not later than 180
14 days after the entry into force of any free trade agreement
15 after the date of the enactment of this Act between the
16 United States and a country that is one of the 10 largest
17 exporters to the United States of textile and apparel prod-
18 ucts (by value of entries), the Textile Enforcement Branch
19 (or any successor or related branch) of the TTA shall as-
20 sign not less than one operations staff to imports from
21 that country for purposes of assisting the Commissioner
22 with verification of preferential treatment claimed under
23 that agreement with respect to textile and apparel prod-
24 ucts.

1 (e) BIENNIAL REVIEW OF STAFF LEVELS.—Not
 2 later than one year after the date of the enactment of this
 3 Act, and every 2 years thereafter, the Commissioner shall
 4 submit to the Committee on Ways and Means and the
 5 Committee on Homeland Security of the House of Rep-
 6 resentatives, the Committee on Finance and the Com-
 7 mittee on Homeland Security and Governmental Affairs
 8 of the Senate, and the co-chairs of the Congressional Tex-
 9 tile Caucus a report on the staffing levels specified in this
 10 section, including a determination of whether or not there
 11 is need for additional staff to carry out the duties of the
 12 TTA.

13 **TITLE II—ENTRY VERIFICATION** 14 **PROVISIONS**

15 **SEC. 201. SPECIAL PROVISIONS REGARDING CERTAIN VIO-** 16 **LATIONS RELATING TO IMPORT DOCUMENTA-** 17 **TION.**

18 (a) PUBLICATION OF NAMES OF CERTAIN VIOLA-
 19 TORS.—Section 592A(a)(1) of the Tariff Act of 1930 (19
 20 U.S.C. 1592a(a)(1)) is amended—

21 (1) in the matter preceding subparagraph (A),
 22 by striking “is authorized to” and inserting “shall”;
 23 and

24 (2) in subparagraph (A), by inserting before the
 25 comma at the end the following: “, including for vio-

1 lations of quotas, duties, or trade preference pro-
2 grams”.

3 (b) LIST OF HIGH-RISK COUNTRIES.—Section
4 592A(b)(1) of the Tariff Act of 1930 (19 U.S.C.
5 1592a(b)(1)) is amended, in the first sentence—

6 (1) by striking “is authorized to” and inserting
7 “shall”; and

8 (2) by inserting “or duties or violate trade pref-
9 erence programs” after “quotas”.

10 **SEC. 202. ELECTRONIC PREFERENCE VERIFICATION SYS-**
11 **TEM FOR ORIGIN OF TEXTILE OR APPAREL**
12 **ARTICLES UNDER CAFTA-DR, NAFTA, AND**
13 **OTHER FREE TRADE AGREEMENTS.**

14 (a) ESTABLISHMENT.—Not later than 180 days after
15 the date of the enactment of this Act, the President, act-
16 ing through the Commissioner and in coordination with
17 the head of the Office of Textiles and Apparel of the De-
18 partment of Commerce, shall establish an electronic
19 verification system for tracking textile or apparel articles
20 imported or exported under the Dominican Republic-Cen-
21 tral America-United States Free Trade Agreement, signed
22 at Washington August 5, 2004, the North American Free
23 Trade Agreement, signed at Washington, Ottawa, and
24 Mexico City December 8, 11, 14 and 17, 1992, or any
25 other free trade agreement to which the United States is

1 a party, to ensure compliance with the respective require-
 2 ments of such agreements.

3 (b) IMPLEMENTATION.—The President shall seek to
 4 enter into consultations and agreements, as appropriate,
 5 with the government of each foreign country that is a
 6 party to an agreement described in subsection (a) for pur-
 7 poses of implementing the electronic verification system
 8 established under that subsection.

9 (c) CONFIDENTIALITY.—The electronic verification
 10 system established under subsection (a) shall ensure that
 11 proprietary information, such as information about supply
 12 chain participants, is coded so that only personnel of U.S.
 13 Customs and Border Protection and the Office of Textiles
 14 and Apparel can access the information.

15 (d) SENSE OF CONGRESS.—It is the sense of Con-
 16 gress that the President should seek to make the integra-
 17 tion of the electronic verification system established under
 18 subsection (a) in future free trade agreements a priority
 19 in negotiations for such agreements.

20 **SEC. 203. ESTABLISHMENT OF TEXTILE AND APPAREL NEW**
 21 **IMPORTER PROGRAM.**

22 (a) IN GENERAL.—Not later than 180 days after the
 23 date of the enactment of this Act, the Commissioner shall
 24 establish a new importer program under which U.S. Cus-
 25 toms and Border Protection adjusts bond amounts for new

1 importers of textile and apparel articles based on the level
2 of risk with respect to protection of the revenue of the
3 Federal Government presented by each new importer.

4 (b) REQUIREMENTS.—The Commissioner shall en-
5 sure that, as part of the new importer program established
6 under subsection (a), U.S. Customs and Border Protec-
7 tion—

8 (1) develops risk assessment guidelines for new
9 importers of textile and apparel articles;

10 (2) adjusts bond amounts for new importers in
11 accordance with the risk assessment guidelines de-
12 veloped under paragraph (1);

13 (3) maintains a centralized database of new im-
14 porters; and

15 (4) ensures accuracy of required information
16 provided to U.S. Customs and Border Protection by
17 new importers.

18 (c) BONDING AUTHORITY.—Section 623(b) of the
19 Tariff Act of 1930 (19 U.S.C. 1623(b)) is amended by
20 adding at the end the following new paragraph:

21 “(5) In the case of importation of textile or ap-
22 parel articles, by regulation or specific instruction
23 require, or authorize U.S. Customs and Border Pro-
24 tection officers to require, the amount of the bond
25 to include amounts equal to any duties, fees, or pen-

1 alties estimated to be payable on such articles. For
 2 purposes of this paragraph, amounts equal to any
 3 penalties estimated to be payable on such articles
 4 shall be based on a risk assessment of the new im-
 5 porter carried out in accordance with section 203 of
 6 the Textile Enforcement and Security Act of 2015.
 7 Any person who violates a requirement imposed pur-
 8 suant to this paragraph shall be liable for a civil
 9 penalty of \$50,000 for each such violation.”.

10 (d) OTHER PENALTIES.—In addition to the penalties
 11 specified in paragraph (5) of section 623(b) of the Tariff
 12 Act of 1930 (19 U.S.C. 1623(b)), as added by subsection
 13 (c), for a violation of such paragraph, any person who vio-
 14 lates any other customs or trade law of the United States
 15 with respect to the importation of textile or apparel arti-
 16 cles shall be subject to any applicable civil or criminal pen-
 17 alty, including seizure and forfeiture that may be imposed
 18 under such customs or trade law, including section 592
 19 of the Tariff Act of 1930 (19 U.S.C. 1592).

20 **SEC. 204. NONRESIDENT IMPORTER DECLARATION PRO-**
 21 **GRAM FOR TEXTILE OR APPAREL ARTICLES.**

22 (a) ESTABLISHMENT OF PROGRAM.—

23 (1) IN GENERAL.—Not later than 180 days
 24 after the date of the enactment of this Act, the
 25 Commissioner shall establish and maintain a non-

1 resident importer declaration program with respect
2 to the importation of textile or apparel articles.

3 (2) PROGRAM DESCRIBED.—The program es-
4 tablished under paragraph (1) shall—

5 (A) require nonresident importers of textile
6 or apparel articles to—

7 (i) provide the information required
8 under subsection (b); and

9 (ii) declare the information required
10 under subsection (c); and

11 (B) require that the information required
12 under subsections (b) and (c) accompany the
13 entry summary documentation for such textile
14 or apparel articles.

15 (b) INFORMATION REQUIRED.—The Commissioner
16 shall require the following information to be submitted by
17 any nonresident importer seeking to import textile or ap-
18 parel articles:

19 (1) An identification of a resident agent in the
20 State in which the port of entry at which the non-
21 resident importer anticipates the textile or apparel
22 articles will enter is located who is authorized to ac-
23 cept service of process against the nonresident im-
24 porter in connection with the importation of the tex-
25 tile or apparel articles.

1 (2) A certification that the resident agent de-
2 scribed in paragraph (1) has assets in the United
3 States in sufficient amounts for the purpose of en-
4 suring the payment of any additional loss of revenue
5 not covered by any surety bond or for any civil pen-
6 alties levied by the Federal Government in connec-
7 tion with the importation of the textile or apparel
8 articles.

9 (3) A copy of the commercial invoice accom-
10 panying the shipment of the textile or apparel arti-
11 cles, including the name, address, and contact infor-
12 mation for each person in the transaction, such as
13 the trading house, the freight forwarder, and the ul-
14 timate purchaser of the goods.

15 (c) DECLARATIONS REQUIRED.—Pursuant to proce-
16 dures prescribed by the Commissioner, any nonresident
17 importer seeking to import textile or apparel articles shall
18 declare the following:

19 (1) The nonresident importer has secured a
20 bond in connection with the importation of the tex-
21 tile or apparel articles as required by paragraph (5)
22 of section 623(b) of the Tariff Act of 1930 (19
23 U.S.C. 1623(b)) (as added by section 203(c)).

1 (2) The nonresident importer has established a
2 power of attorney in connection with the importation
3 of the textile or apparel articles.

4 (d) AUTHORITY.—A resident agent identified under
5 subsection (b)(1) by a nonresident importer shall accept
6 service of process on behalf of the nonresident importer
7 for the purpose of duties, penalties, or other fines issued
8 by the Secretary of Homeland Security or the Commis-
9 sioner if the Secretary or the Commissioner is unable to
10 collect duties, penalties, or other fines from such non-
11 resident importer.

12 (e) PENALTIES.—

13 (1) IN GENERAL.—It shall be unlawful for any
14 person to import into the United States any textile
15 or apparel article in violation of the program estab-
16 lished under this section.

17 (2) CIVIL PENALTIES.—Any person who vio-
18 lates paragraph (1) shall be liable for a civil penalty
19 of \$50,000 for each such violation.

20 (3) OTHER PENALTIES.—In addition to the
21 penalties specified in paragraph (2), any violation of
22 this section that violates any other customs or trade
23 law of the United States shall be subject to any ap-
24 plicable civil and criminal penalty, including seizure
25 and forfeiture, that may be imposed under such cus-

1 toms or trade law or title 18, United States Code,
2 with respect to the importation of textile or apparel
3 articles.

4 **TITLE III—ESTABLISHMENT OF**
5 **TEXTILE AND APPAREL MAN-**
6 **UFACTURING AND SUPPLIER**
7 **REGISTRY**

8 **SEC. 301. ESTABLISHMENT OF TEXTILE AND APPAREL MAN-**
9 **UFACTURING AND SUPPLIER REGISTRY.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the President, acting through the Com-
12 missioner and in coordination with the head of the Office
13 of Textiles and Apparel of the Department of Commerce,
14 shall establish an electronic Textile and Apparel Manufac-
15 turing Supplier Registry pilot program to serve as a cen-
16 tralized database of United States producers and manu-
17 facturers of thread, yarn, fabric, and apparel that supply
18 products to companies in any of the following countries:

19 (1) The United States.

20 (2) A country that is a party to—

21 (A) the North American Free Trade
22 Agreement, signed at Washington, Ottawa, and
23 Mexico City December 8, 11, 14 and 17, 1992;

1 (B) the Dominican Republic-Central Amer-
2 ica-United States Free Trade Agreement,
3 signed at Washington August 5, 2004; or

4 (C) any other free trade agreement to
5 which the United States is a party.

6 (3) A beneficiary country under the Caribbean
7 Basin Economic Recovery Act (19 U.S.C. 2701 et
8 seq.).

9 **TITLE IV—IMPLEMENTATION** 10 **REPORT**

11 **SEC. 401. IMPLEMENTATION REPORT.**

12 Not later than one year after the date of the enact-
13 ment of this Act, the Commissioner shall submit to the
14 Committee on Ways and Means and the Committee on
15 Homeland Security of the House of Representatives, the
16 Committee on Finance and the Committee on Homeland
17 Security and Governmental Affairs of the Senate, and the
18 co-chairs of the Congressional Textile Caucus, a report on
19 the implementation of this Act.

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