

Union Calendar No.

118TH CONGRESS
2^D SESSION

H. R. 9151

[Report No. 118-]

To strengthen the Department of Justice's enforcement against trade-related crimes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2024

Mrs. HINSON (for herself, Mr. KRISHNAMOORTHY, Mr. MOOLENAAR, Mr. IVEY, Mr. LAHOOD, Mr. LIEU, Mr. MORAN, Ms. ROSS, Mr. CLINE, Ms. DELAURO, Mr. KILEY, Ms. STEVENS, Ms. STEFANIK, and Mr. CORREA) introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER --, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 25, 2024]

A BILL

To strengthen the Department of Justice's enforcement
against trade-related crimes.

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 “Protecting American*
5 *Industry and Labor from International Trade Crimes Act*
6 *of 2024”.*

7 **SEC. 2. TRADE-RELATED CRIMES DEFINED.**

8 *In this Act, the term “trade-related crimes” shall be*
9 *defined as violations of law that are implicated by criminal*
10 *activities in furtherance of the evasion of duties, tariffs, and*
11 *other import- and export-related fees, import and export re-*
12 *strictions, or requirements imposed by the Tariff Act of*
13 *1930, the Trade Expansion Act of 1962, the Trade Act of*
14 *1974, or the Countering America’s Adversaries Through*
15 *Sanctions Act, as well as all other laws and regulations*
16 *involving criminal activities relating to United States im-*
17 *ports and exports, trade-based money laundering, and*
18 *smuggling.*

19 **SEC. 3. ESTABLISHMENT OF NEW STRUCTURE TO PROS-**
20 **ECUTE INTERNATIONAL TRADE CRIMES.**

21 *(a) IN GENERAL.—A task force, named program, or*
22 *other similar structure to investigate and prosecute trade-*
23 *related crimes, with particular emphasis on violations of*
24 *the statutes enumerated in section 4(a)(2), shall be estab-*
25 *lished within the Criminal Division of the Department of*

1 *Justice not later than 120 days after the date on which ap-*
2 *propriations are made available to carry out this Act, and*
3 *coordinated by a supervisory criminal trial attorney se-*
4 *lected by the Assistant Attorney General of the Criminal*
5 *Division or other official designated by the Attorney Gen-*
6 *eral.*

7 (b) *IMPLEMENTATION.—To support this effort, the At-*
8 *torney General shall—*

9 (1) *create within the Criminal Division of the*
10 *Department of Justice new positions for criminal*
11 *trial attorneys and associated support personnel re-*
12 *sponsible for leading and coordinating trade-related*
13 *crime investigations and cases, including those that*
14 *may significantly impact more than one district;*

15 (2) *ensure that experienced and technically*
16 *qualified criminal prosecutors support the effort; and*

17 (3) *promote and ensure effective interaction with*
18 *law enforcement, industry representatives, and the*
19 *public in matters relating to trade-related crimes.*

20 **SEC. 4. DUTIES AND FUNCTIONS OF NEW TRADE CRIMES**
21 **STRUCTURE.**

22 (a) *IN GENERAL.—Through the efforts of the task force,*
23 *named program, or other structure identified in section*
24 *3(a), the Attorney General shall accomplish each of the fol-*
25 *lowing:*

1 (1) *Increase the capabilities and capacity of the*
2 *Criminal Division of the Department of Justice to*
3 *prosecute trade-related crimes.*

4 (2) *Increase the number of trade-related crimes*
5 *being investigated and prosecuted, including pursuant*
6 *to health, safety, financial, and economic trade-re-*
7 *lated crimes, including—*

8 (A) *section 305 of title 13, United States*
9 *Code;*

10 (B) *section 15 or 16 of the Toxic Substances*
11 *Control Act (15 U.S.C. 2614 or 2615);*

12 (C) *section 371 of title 18, United States*
13 *Code;*

14 (D) *section 541 of title 18, United States*
15 *Code;*

16 (E) *section 542 of title 18, United States*
17 *Code;*

18 (F) *section 543 of title 18, United States*
19 *Code;*

20 (G) *section 545 of title 18, United States*
21 *Code;*

22 (H) *section 546 of title 18, United States*
23 *Code;*

24 (I) *section 554 of title 18, United States*
25 *Code;*

1 *(J) section 1001 of title 18, United States*

2 *Code;*

3 *(K) section 1341 of title 18, United States*

4 *Code;*

5 *(L) section 1343 of title 18, United States*

6 *Code;*

7 *(M) section 1349 of title 18, United States*

8 *Code;*

9 *(N) section 1956 of title 18, United States*

10 *Code;*

11 *(O) section 1957 of title 18, United States*

12 *Code;*

13 *(P) section 2320 of title 18, United States*

14 *Code; and*

15 *(Q) section 301 of the Federal Food, Drug,*

16 *and Cosmetic Act (21 U.S.C. 331).*

17 *For the purposes of this Act, this list does not include*

18 *violations of national security-related laws and regu-*

19 *lations, including the Arms Export Control Act (22*

20 *U.S.C. 2771 et seq.), International Emergency Eco-*

21 *nomie Powers Act (50 U.S.C. 1701 et seq.), Export*

22 *Control and Reform Act (50 U.S.C. 4801 et seq.), and*

23 *the Trading with the Enemy Act (50 U.S.C. 4305(b)).*

24 *(3) Participate in basic and advanced training*

25 *events with Homeland Security Investigations, U.S.*

1 *Customs and Border Protection, and other Federal*
2 *agencies and provide technical assistance, where ap-*
3 *propriate, to Homeland Security Investigations, U.S.*
4 *Customs and Border Protection, and other Federal*
5 *agencies with respect to the investigation and prosecu-*
6 *tion of trade-related crimes.*

7 (4) *Develop multi-jurisdictional responses and*
8 *partnerships with respect to trade-related crimes*
9 *through informational, administrative, and techno-*
10 *logical support to other Federal agencies and agencies*
11 *of countries that are trading partners of the United*
12 *States, as a means for such agencies to acquire the*
13 *necessary knowledge, personnel, and specialized equip-*
14 *ment to investigate and prosecute trade-related*
15 *crimes.*

16 (5) *Participate in nationally coordinated inves-*
17 *tigations in any case in which the Attorney General*
18 *determines such participation to be necessary, as per-*
19 *mitted by the available resources of the Department of*
20 *Justice.*

21 (6) *Ensure that all components that enforce laws*
22 *against trade-related crimes regularly consult with*
23 *each other.*

24 (b) *ABSENCE OF EXCLUSION OF PURSUING OTHER*
25 *REMEDIES.—Litigation by the Criminal Division of the*

1 *Department of Justice shall not preclude additional crimi-*
2 *nal prosecution or civil action against trade-related viola-*
3 *tions. Nothing in this Act shall prevent the Criminal Divi-*
4 *sion, Civil Division, and other Department of Justice com-*
5 *ponents from pursuing enforcement action where appro-*
6 *priate.*

7 **SEC. 5. ANNUAL REPORT TO CONGRESS.**

8 *The Attorney General, in consultation with the Sec-*
9 *retary of Homeland Security, shall submit to the Committee*
10 *on the Judiciary, Committee on Ways and Means, and*
11 *Committee on Financial Services of the House of Represent-*
12 *atives, and the Committee on the Judiciary and Committee*
13 *on Finance of the Senate a report on the work of the De-*
14 *partment of Justice with respect to investigation and en-*
15 *forcement of trade-related crimes. Specifically, the report*
16 *shall—*

17 *(1) be submitted not later than one year after the*
18 *date of the enactment of this Act, and annually there-*
19 *after, not later than February 1 of each year that be-*
20 *gins after the submission of the first report;*

21 *(2) include annual statistics on the volume of*
22 *publicly charged trade-related crimes and indict-*
23 *ments;*

24 *(3) include a summary on how the funds appro-*
25 *priated for trade-related crimes were utilized in the*

1 *prior reporting period, including staff and operating*
2 *expenses; and*
3 *(4) provide an estimate of any additional fund-*
4 *ing needed to combat trade-related crimes.*