

109TH CONGRESS
2^D SESSION

H. R. 5849

To increase the fine and prison term for textile transshipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2006

Mr. HAYES introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To increase the fine and prison term for textile transshipment, 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 2006”.

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

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

8 (1) the textile and apparel sector in the United
9 States is being seriously hurt by smuggling and

1 transshipment of textile and apparel products from
2 abroad;

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

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

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

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

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

1 **SEC. 3. 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 eighth undesignated paragraph, by
18 inserting after the first sentence the following: “For
19 purposes of this section, goods and chattel shall be
20 construed to be moving as an interstate or foreign
21 shipment at all points between the point of origin
22 and the final destination (as evidenced by the waybill
23 or other shipping document of the shipment), re-
24 gardless of any temporary stop while awaiting trans-
25 shipment 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.

○