

118TH CONGRESS
2D SESSION

S. 4955

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

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

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

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. DEFINITION.**

8 In this Act, the term “trade-related crimes” means
9 violations of law that are implicated by criminal activities
10 in furtherance of the evasion of duties, tariffs, and other

1 import- and export-related fees, import and export restric-
2 tions, or requirements imposed by the Tariff Act of 1930,
3 the Trade Expansion Act of 1962, or the Trade Act of
4 1974, each as amended, the Countering America's Adver-
5 saries Through Sanctions Act, as well as all other laws
6 and regulations involving criminal activities relating to
7 United States imports and exports, money laundering, and
8 smuggling.

9 **SEC. 3. ESTABLISHMENT OF NEW STRUCTURE TO PROS-**
10 **ECUTE INTERNATIONAL TRADE CRIMES.**

11 (a) IN GENERAL.—A task force, named program, or
12 other similar structure to investigate and prosecute trade-
13 related crimes, with particular emphasis on violations of
14 the statutes enumerated in section 4(a)(2), will be estab-
15 lished within the Criminal Division of the Department of
16 Justice within 120 days, after availability of appropria-
17 tions, and coordinated by a supervisory criminal trial at-
18 torney selected by the Assistant Attorney General of the
19 Criminal Division or other official designated by the Attor-
20 ney General.

21 (b) IMPLEMENTATION.—To support this effort, the
22 Department of Justice shall—

23 (1) create within the Criminal Division new po-
24 sitions for criminal trial attorneys and associated
25 support personnel responsible for leading and coordi-

1 nating trade-related crime investigations and cases,
 2 including those that may significantly impact more
 3 than one district;

4 (2) ensure that experienced and technically
 5 qualified criminal prosecutors support this effort;
 6 and

7 (3) promote and ensure effective interaction
 8 with law enforcement, industry representatives, and
 9 the public in matters relating to trade-related
 10 crimes.

11 **SEC. 4. DUTIES AND FUNCTIONS OF NEW TRADE CRIMES**

12 **STRUCTURE.**

13 (a) IN GENERAL.—Through the efforts of the task
 14 force, named program, or other structure identified in sec-
 15 tion 3(a), the Department of Justice shall accomplish each
 16 of the following:

17 (1) Increase the capabilities and capacity of its
 18 Criminal Division to prosecute trade-related crimes.

19 (2) Increase the number of trade-related crimes
 20 being investigated and prosecuted pursuant but not
 21 limited to health, safety, financial, and economic
 22 trade-related crimes under titles 13, 15, 18, and 21,
 23 United States Code, including but not limited to—

24 (A) 13 U.S.C. 305;

25 (B) 15 U.S.C. 2614–15;

- 1 (C) 18 U.S.C. 371;
- 2 (D) 18 U.S.C. 541;
- 3 (E) 18 U.S.C. 542;
- 4 (F) 18 U.S.C. 543;
- 5 (G) 18 U.S.C. 545;
- 6 (H) 18 U.S.C. 546;
- 7 (I) 18 U.S.C. 554;
- 8 (J) 18 U.S.C. 1001;
- 9 (K) 18 U.S.C. 1341;
- 10 (L) 18 U.S.C. 1343;
- 11 (M) 18 U.S.C. 1349;
- 12 (N) 18 U.S.C. 1956;
- 13 (O) 18 U.S.C. 1957;
- 14 (P) 18 U.S.C. 2320; and
- 15 (Q) 21 U.S.C. 331.

16 For the purposes of this Act, this list does not in-
17 clude violations of national security-related laws and
18 regulations, including the Arms Export Control Act
19 (22 U.S.C. 2771 et seq.), International Emergency
20 Economic Powers Act (50 U.S.C. 1701 et seq.), Ex-
21 port Control and Reform Act (50 U.S.C. 4801 et
22 seq.), and the Trading with the Enemy Act (50
23 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 and
4 U.S. Customs and Border Protection and other Fed-
5 eral agencies with respect to the investigation and
6 prosecution of trade-related crimes.

7 (4) Develop multijurisdictional responses and
8 partnerships with respect to trade-related crimes
9 through informational, administrative, and techno-
10 logical support to other Federal agencies and agen-
11 cies of countries that are trading partners of the
12 United States, as a means for such agencies to ac-
13 quire the necessary knowledge, personnel, and spe-
14 cialized equipment to investigate and prosecute
15 trade-related crimes.

16 (5) Participate in nationally coordinated inves-
17 tigation in any case in which the Attorney General
18 determines such participation to be necessary, as
19 permitted by the available resources of the Depart-
20 ment of Justice.

21 (6) Ensure that all components that enforce
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 shall not

1 preclude additional criminal prosecution or civil action
2 against trade-related violations. Nothing in this statute
3 shall prevent the Criminal Division, Civil Division, and
4 other Department of Justice components from pursuing
5 enforcement action where appropriate.

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

7 The Attorney General, in consultation with the Sec-
8 retary of Homeland Security, shall submit to the Com-
9 mittee on the Judiciary, Committee on Ways and Means,
10 and Committee on Financial Services of the House of Rep-
11 resentatives, and the Committee on the Judiciary and
12 Committee on Finance of the Senate a report on the work
13 of the Department of Justice with respect to investigation
14 and enforcement of trade-related crimes. Specifically, the
15 report shall—

16 (1) be submitted not later than one year after
17 the date of the enactment of this Act, and annually
18 thereafter, not later than February 1 of each year
19 that begins after the submission of the first report;

20 (2) include annual statistics on the volume of
21 publicly charged trade-related crimes and indict-
22 ments, as defined in section 2;

23 (3) include a summary as to how the funds ap-
24 propriated for trade-related crimes were utilized in

1 the prior reporting period, including staff and oper-
2 ating expenses; and

3 (4) provide an estimate of any additional fund-
4 ing needed to combat trade-related crimes.

5 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to the Attorney General \$20,000,000 for fiscal
8 year 2025 to carry out this Act. Of sums appropriated,
9 at least 80 percent shall be used by the Criminal Division
10 to support criminal prosecution of trade crimes as defined
11 in this Act, including salaries and expenses necessary to
12 hire and train investigatory and prosecutorial personnel,
13 develop multijurisdictional and multiagency partnerships,
14 and conduct enforcement actions.

15 (b) OTHER CRIMINAL PROSECUTION AND CIVIL EN-
16 FORCEMENT.—Remaining sums may be used by the De-
17 partment of Justice to support criminal prosecution of
18 trade crimes by other components and civil enforcement.

19 (c) AVAILABILITY OF AMOUNTS.—Amounts appro-
20 priated pursuant to the authorization of appropriations
21 under subsection (a) shall remain available until expended.

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