

S 805

Fighting Trade Cheats Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Foreign Trade and International Finance

Introduced: Mar 15, 2023

Current Status: Read twice and referred to the Committee on Finance.

Latest Action: Read twice and referred to the Committee on Finance. (Mar 15, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/805>

Sponsor

Name: Sen. Brown, Sherrod [D-OH]

Party: Democratic • State: OH • Chamber: Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Tillis, Thomas [R-NC]	R · NC		Mar 15, 2023
Sen. Baldwin, Tammy [D-WI]	D · WI		May 1, 2023
Sen. Britt, Katie Boyd [R-AL]	R · AL		May 1, 2023
Sen. Braun, Mike [R-IN]	R · IN		Jun 1, 2023
Sen. Vance, J. D. [R-OH]	R · OH		Jun 1, 2023
Sen. Fetterman, John [D-PA]	D · PA		Sep 20, 2023
Sen. Budd, Ted [R-NC]	R · NC		Sep 29, 2023
Sen. Stabenow, Debbie [D-MI]	D · MI		Oct 24, 2023
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Oct 31, 2023

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Mar 15, 2023

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
118 HR 2667	Identical bill	Dec 17, 2024: Referred to the Subcommittee on Trade.

## **Fighting Trade Cheats Act of 2023**

This bill increases penalties for, and establishes additional enforcement mechanisms related to, fraudulent and grossly negligent violations of U.S. customs laws.

Specifically, the bill increases the maximum civil penalty for a fraudulent violation to three times the domestic value of the merchandise. Further, the bill prohibits a person who commits a fraudulent violation from importing merchandise into the United States for a five-year period.

Additionally, the bill increases the maximum civil penalty for a grossly negligent violation to the lesser of (1) 3 times the domestic value of the merchandise; or (2) 10 times the lawful duties, taxes, and fees. It also prohibits a person who commits a grossly negligent violation from importing merchandise into the United States for a two-year period.

Further, the bill applies these importation bans to an affiliated person (e.g., a family member, partner, or employee) of the person who committed the fraudulent or grossly negligent violation.

The bill also establishes a private right of action for customs fraud or grossly negligent violations. In particular, the bill allows manufacturers, producers, wholesalers, labor unions, or trade associations to bring a civil action against a violator or any person that aids or abets a violator.

The bill prohibits any person (or an affiliated person) who commits a fraudulent or grossly negligent violation from participating in the U.S. Customs and Border Protection's Importer of Record program, and further requires their importer of record numbers to be revoked.

## **Actions Timeline**

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- **Mar 15, 2023:** Introduced in Senate
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