

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**33**

**OFFERED BY MR. PFLUGER OF TEXAS**

At the end of subtitle C of title XXXV, add the following:

1 **SEC. 35\_\_\_ . CONDITION FOR ENTRY INTO PORTS IN THE**  
2 **UNITED STATES.**

3 Section 70022 of title 46, United States Code, is  
4 amended—

5 (1) in subsection (a)(2)(A)—

6 (A) in clause (i)—

7 (i) by striking “subsection (b)(1)” and  
8 inserting “subsection (b)(1)(A)”; and

9 (ii) in subclause (II) by striking “; or”  
10 and inserting a semicolon;

11 (B) in clause (ii)—

12 (i) by striking “subsection (b)(2)” and  
13 inserting “subsection (b)(1)(B)”; and

14 (ii) by striking the period at the end  
15 and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(iii) vessel described in subsection  
18 (b)(1) in the case of—

1                   “(I) an emergency being experi-  
2                   enced by a vessel or an individual on  
3                   the vessel; or

4                   “(II) a vessel authorized by the  
5                   owner, as described in subsection  
6                   (b)(1)(C)(ii), to transit the facilities  
7                   described in subsection (b)(1)(C).”;  
8                   and

9                   (2) in subsection (b)—

10                   (A) in paragraph (1) by inserting “the”  
11                   before “Federal Register”;

12                   (B) in paragraph (2) by striking the period  
13                   at the end and inserting “; or”;

14                   (C) by redesignating paragraphs (1) and  
15                   (2) as subparagraphs (A) and (B);

16                   (D) by striking “A vessel referred” and in-  
17                   serting the following:

18                   “(1) IN GENERAL.—A vessel referred”; and

19                   (E) by adding at the end the following:

20                   “(C) a vessel that has transited a port,  
21                   harbor, or marine terminal, that at the time of  
22                   such transit—

23                   “(i) was located within the territory of  
24                   a Western Hemisphere country that has in

1 effect a free trade agreement with the  
2 United States;

3 “(ii) was accessible only through land  
4 that is owned, held, or controlled, directly  
5 or indirectly, by a United States person;  
6 and

7 “(iii) was designated by the President  
8 under paragraph (2), and has not had such  
9 designation removed under paragraph (3).

10 “(2) DESIGNATION.—The President may des-  
11 ignate a port, harbor, or marine terminal under this  
12 subsection if an agency or official of the government  
13 of the Western Hemisphere foreign trade partner  
14 has—

15 “(A) nationalized, or expropriated the port,  
16 harbor, or marine terminal, owned, held, or con-  
17 trolled, directly or indirectly, by a United States  
18 person; or

19 “(B) taken any other action that has the  
20 effect of expropriating or nationalizing that  
21 port, harbor, or marine terminal, or land pro-  
22 viding the exclusive access to that port, harbor,  
23 or marine terminal, as described in paragraph  
24 (1)(C)(ii), as long as the matter is not the sub-  
25 ject of a currently pending arbitration under a

1 free trade agreement described in paragraph  
2 (1)(C)(i).

3 “(3) REMOVAL OF DESIGNATION.—The Presi-  
4 dent shall remove the designation of a port, harbor,  
5 or marine terminal made under paragraph (2) if the  
6 President determines that—

7 “(A) the conditions set forth in paragraph  
8 (2) are no longer met;

9 “(B) the Western Hemisphere country has  
10 returned the property of the United States per-  
11 son and terminated any measures that had the  
12 effect of seizing ownership of that property;

13 “(C) the Western Hemisphere country has  
14 provided adequate and effective compensation  
15 for such property in convertible foreign ex-  
16 change or other mutually acceptable compensa-  
17 tion equivalent to the full value thereof, as re-  
18 quired by international law; or

19 “(D) the dispute has otherwise been re-  
20 solved to the satisfaction of the President.”.

