

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**36**

**OFFERED BY MR. PETERS OF CALIFORNIA**

At the end of subtitle A of title XVII, insert the following:

1 **SEC. 17\_\_\_ . COMBATING TRANSNATIONAL ORGANIZED IL-**  
2 **LEGAL MARITIME ACTIVITY, INCLUDING IL-**  
3 **LEGAL, UNREPORTED, AND UNREGULATED**  
4 **FISHING.**

5 (a) AUTHORIZATION OF IMPOSITION OF SANC-  
6 TIONS.—

7 (1) IN GENERAL.—The President may impose  
8 the sanctions described in paragraph (2) with re-  
9 spect to any foreign person, including a foreign doc-  
10 umented vessel regardless of ownership, that the  
11 President determines—

12 (A) is responsible for, complicit in, or has  
13 directly or indirectly participated in—

14 (i) IUU fishing;

15 (ii) except as part of a conservation  
16 effort, the sale, supply, purchase, or trans-  
17 fer (including transportation) of endan-  
18 gered species, as defined in section 3(6) of

1 the Endangered Species Act (16 U.S.C.  
2 1532(6)); or

3 (iii) behavior associated with IUU  
4 fishing, including improper use of relevant  
5 vessel monitoring, identification, or com-  
6 munication systems;

7 (B) is a leader or official of an entity, in-  
8 cluding a government entity, that has engaged  
9 in, or the members of which have engaged in,  
10 any of the activities described in subparagraph  
11 (A) during the tenure of the leader or official;

12 (C) has ever owned, operated, chartered, or  
13 controlled a vessel during which time the per-  
14 sonnel of the vessel engaged in any of the ac-  
15 tivities described in subparagraph (A); or

16 (D) has materially assisted, sponsored, or  
17 provided financial, material, or technological  
18 support for, or goods or services in support  
19 of—

20 (i) any of the activities described in  
21 subparagraph (A); or

22 (ii) any entity engaged in any such ac-  
23 tivity.

24 (2) SANCTIONS DESCRIBED.—The sanctions de-  
25 scribed in this paragraph are the following:

1 (A) BLOCKING OF PROPERTY.—Notwith-  
2 standing section 202 of the International Emer-  
3 gency Economic Powers Act (50 U.S.C. 1701),  
4 the exercise of all powers granted to the Presi-  
5 dent by the International Emergency Economic  
6 Powers Act (50 U.S.C. 1701 et seq.) to the ex-  
7 tent necessary to block and prohibit all trans-  
8 actions in all property and interests in property  
9 of a foreign person described in subsection (a),  
10 if such property and interests in property are in  
11 the United States, come within the United  
12 States, or are or come within the possession or  
13 control of a United States person.

14 (B) INADMISSIBILITY TO THE UNITED  
15 STATES.—In the case of a foreign person de-  
16 scribed in paragraph (1) who is an individual—

17 (i) ineligibility for a visa to enter and  
18 inadmissibility to the United States; and

19 (ii) revocation of any valid visa or  
20 travel documentation in accordance with  
21 section 221(i) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1201(i)).

23 (C) PROHIBITION ON ACCESS TO THE  
24 UNITED STATES.—In the case of a foreign doc-

1           umented vessel, denial of access to United  
2           States ports.

3           (D) EXCLUSION OF CORPORATE OFFI-  
4           CERS.—The President may direct the Secretary  
5           of State to deny a visa to, and the Secretary of  
6           Homeland Security to exclude from the United  
7           States, any alien that the President determines  
8           is a corporate officer or principal of, or a share-  
9           holder with a controlling interest in, the foreign  
10          person.

11          (E) SANCTIONS ON PRINCIPAL EXECUTIVE  
12          OFFICERS.—The President may impose on the  
13          principal executive officer or officers of the for-  
14          eign person, entity, or on individuals per-  
15          forming similar functions and with similar au-  
16          thorities as such officer or officers, any of the  
17          sanctions described in subparagraphs (A), (B),  
18          (C), (D), or (F) of this subsection that are ap-  
19          plicable.

20          (F) LOANS FROM UNITED STATES FINAN-  
21          CIAL INSTITUTIONS.—The President may pro-  
22          hibit any United States financial institution  
23          from making loans or providing credits to the  
24          foreign person or entity.

1           (G) FOREIGN EXCHANGE.—The President  
2           may, pursuant to such regulations as the Presi-  
3           dent may prescribe, prohibit any transactions in  
4           foreign exchange that are subject to the juris-  
5           diction of the United States and in which the  
6           foreign person, entity, or vessel has any inter-  
7           est.

8           (H) REPORT.—The President shall annu-  
9           ally submit to the Committee on Financial  
10          Services, the Committee on Foreign Affairs,  
11          and the Committee on Transportation and In-  
12          frastructure of the House of Representatives  
13          and the Committee on Banking, Housing, and  
14          Urban Affairs, the Committee on Foreign Rela-  
15          tions, and the Committee on Commerce,  
16          Science, and Transportation of the Senate a re-  
17          port on actions exercising the authorities pro-  
18          vided by this section.

19          (3) IMPLEMENTATION; PENALTIES.—

20          (A) IMPLEMENTATION.—The President  
21          may exercise all authorities provided under sec-  
22          tions 203 and 205 of the International Emer-  
23          gency Economic Powers Act (50 U.S.C. 1702  
24          and 1704) to carry out this section.

1           (B) PENALTIES.—A person that violates,  
2           attempts to violate, conspires to violate, or  
3           causes a violation of this section or any regula-  
4           tion, license, or order issued to carry out this  
5           section shall be subject to the penalties set  
6           forth in subsections (b) and (c) of section 206  
7           of the International Emergency Economic Pow-  
8           ers Act (50 U.S.C. 1705) to the same extent as  
9           a person that commits an unlawful act de-  
10          scribed in subsection (a) of that section.

11          (4) NATIONAL INTEREST WAIVER.—The Presi-  
12          dent may waive the imposition of sanctions under  
13          this section with respect to a person if the President  
14          determines that such a waiver is in the national in-  
15          terests of the United States.

16          (5) EXCEPTIONS.—

17                (A) EXCEPTIONS FOR AUTHORIZED INTEL-  
18                LIGENCE AND LAW ENFORCEMENT ACTIVI-  
19                TIES.—This section shall not apply with respect  
20                to activities subject to the reporting require-  
21                ments under title V of the National Security  
22                Act of 1947 (50 U.S.C. 3091 et seq.) or any  
23                authorized intelligence, law enforcement, or na-  
24                tional security activities of the United States.

1           (B) EXCEPTION TO COMPLY WITH INTER-  
2 NATIONAL AGREEMENTS.—Sanctions under  
3 paragraph (2)(B) shall not apply with respect  
4 to the admission of an alien to the United  
5 States if such admission is necessary to comply  
6 with the obligations of the United States under  
7 the Agreement regarding the Headquarters of  
8 the United Nations, signed at Lake Success on  
9 June 26, 1947, and entered into force on No-  
10 vember 21, 1947, between the United Nations  
11 and the United States, or the Convention on  
12 Consular Relations, done at Vienna on April 24,  
13 1963, and entered into force on March 19,  
14 1967, or other international obligations.

15           (C) EXCEPTION FOR SAFETY OF VESSELS  
16 AND CREW.—Sanctions under this subsection  
17 shall not apply with respect to a person pro-  
18 viding provisions to a vessel if such provisions  
19 are intended for the safety and care of the crew  
20 aboard the vessel, or the maintenance of the  
21 vessel to avoid any environmental or other sig-  
22 nificant damage.

23           (D) HUMANITARIAN EXCEPTION.—The  
24 President may not impose sanctions under this  
25 subsection with respect to any person for con-

1           ducting or facilitating a transaction for the sale  
2           of agricultural commodities, food, medicine, or  
3           medical devices or for the provision of humani-  
4           tarian assistance.

5                   (E) EXCEPTION RELATING TO THE IMPOR-  
6           TATION OF GOODS.—

7                           (i) IN GENERAL.—The authorities and  
8                           requirements under this section shall not  
9                           include the authority or a requirement to  
10                          impose sanctions on the importation of  
11                          goods.

12                           (ii) GOOD DEFINED.—In this section,  
13                          the term “good” means any article, natural  
14                          or manmade substance, material, supply,  
15                          or manufactured product, including inspec-  
16                          tion and test equipment, and excluding  
17                          technical data.

18                   (6) RULEMAKING.—

19                           (A) IN GENERAL.—Agencies responsible  
20                          for the implementation of this section may pro-  
21                          mulgate such rules and regulations as may be  
22                          necessary to carry out the provisions of this  
23                          subsection (which may include regulatory excep-  
24                          tions), including under section 205 of the Inter-



1 national Emergency Economic Powers Act (50  
2 U.S.C. 1704).

3 (B) RULE OF CONSTRUCTION.—Nothing in  
4 this subsection may be construed to limit the  
5 authority of the President pursuant to the  
6 International Emergency Economic Powers Act  
7 (50 U.S.C. 1701 et seq.).

8 (b) DEFINITIONS.—In this section:

9 (1) The term “foreign person” means an indi-  
10 vidual or entity that is not a United States person.

11 (2) The term “illegal, unreported, and unregu-  
12 lated fishing” or “IUU fishing” means the activities  
13 described as IUU fishing in paragraph 3 of the 2001  
14 Food and Agriculture Organization International  
15 Plan of Action to Prevent, Deter and Eliminate Ille-  
16 gal, Unreported, and Unregulated Fishing.

17 (3) The term “United States person” means—

18 (A) a United States citizen or an alien law-  
19 fully admitted for permanent residence to the  
20 United States;

21 (B) an entity organized under the laws of  
22 the United States or any jurisdiction within the  
23 United States, including a foreign branch of  
24 such an entity; or

1 (C) any person located in the United  
2 States.

