

118TH CONGRESS
2D SESSION

S. 5552

To modify a provision supporting the execution of bilateral agreements concerning illicit transnational maritime activity and to authorize the President to impose sanctions with respect to illegal, unreported, or unregulated fishing and the sale, supply, purchase, or transfer of endangered species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Mr. KAINE (for himself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To modify a provision supporting the execution of bilateral agreements concerning illicit transnational maritime activity and to authorize the President to impose sanctions with respect to illegal, unreported, or unregulated fishing and the sale, supply, purchase, or transfer of endangered species, 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 “Protecting Global
5 Fisheries Act of 2024”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMISSION; ADMITTED; ALIEN; LAWFULLY
4 ADMITTED FOR PERMANENT RESIDENCE.—The
5 terms “admission”, “admitted”, “alien”, and “law-
6 fully admitted for permanent residence” have the
7 meanings given those terms in section 101 of the
8 Immigration and Nationality Act (8 U.S.C. 1101).

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Armed Services and
13 the Committee on Foreign Relations of the Sen-
14 ate; and

15 (B) the Committee on Foreign Affairs and
16 the Committee on Armed Services of the House
17 of Representatives.

18 (3) FOREIGN PERSON.—The term “foreign per-
19 son” means an individual or entity that is not a
20 United States person.

21 (4) ILLEGAL, UNREPORTED, OR UNREGULATED
22 FISHING.—The term “illegal, unreported, or unregu-
23 lated fishing” has the meaning given that term in
24 the implementing regulations or any subsequent reg-
25 ulations issued pursuant to section 609(e) of the

1 High Seas Driftnet Fishing Moratorium Protection
2 Act (16 U.S.C. 1826j(e)).

3 (5) UNITED STATES PERSON.—The term
4 “United States person” means—

5 (A) a United States citizen or an alien law-
6 fully admitted for permanent residence to the
7 United States;

8 (B) an entity organized under the laws of
9 the United States or any jurisdiction within the
10 United States, including a foreign branch of
11 such an entity; or

12 (C) any person located in the United
13 States.

14 **SEC. 3. INTERNATIONAL COLLABORATION RELATED TO**
15 **COUNTERING ILLEGAL, UNREPORTED, OR**
16 **UNREGULATED FISHING.**

17 (a) STATEMENT OF POLICY.—It is the policy of the
18 United States to prioritize collaboration with friendly
19 countries, and through appropriate international institu-
20 tions, to combat illegal, unreported, or unregulated fish-
21 ing.

22 (b) ACTIONS BY SECRETARY OF STATE.—The Sec-
23 retary of State shall take such actions as may be necessary
24 to use the voice, vote, and influence of the United States

1 in all appropriate international fora and with appropriate
 2 countries that are allies or partners of the United States—

3 (1) to ensure that cutting edge technology is de-
 4 ployed in accordance to existing or future maritime
 5 law enforcement agreements the United States may
 6 enter or has entered into; and

7 (2) to hold accountable those individuals or en-
 8 tities that are responsible or complicit in illegal, un-
 9 reported, or unregulated fishing, with a particular
 10 focus on the harmful actions of the People’s Repub-
 11 lic of China.

12 (c) ADVOCACY AT UNITED NATIONS.—The President
 13 may direct the United States Permanent Representative
 14 to the United Nations to use the voice, vote, and influence
 15 of the United States to urge the United Nations to take
 16 greater action with respect to collaborative global efforts
 17 to counter illegal, unreported, or unregulated fishing.

18 **SEC. 4. MODIFICATION OF SUPPORT FOR EXECUTION OF**
 19 **BILATERAL AGREEMENTS CONCERNING IL-**
 20 **LICIT TRANSNATIONAL MARITIME ACTIVITY.**

21 Section 1808 of the National Defense Authorization
 22 Act for Fiscal Year 2024 (Public Law 118–31; 137 Stat.
 23 668; 10 U.S.C. 331 note) is amended—

24 (1) in the section heading, by striking “**IN AF-**
 25 **RICA**”; and

1 (2) in subsection (a), by striking “African”.

2 **SEC. 5. AUTHORIZATION OF IMPOSITION OF SANCTIONS**
3 **WITH RESPECT TO ILLEGAL, UNREPORTED,**
4 **OR UNREGULATED FISHING AND TRADE IN**
5 **ENDANGERED SPECIES.**

6 (a) IN GENERAL.—The President may impose the
7 sanctions described in subsection (b) with respect to any
8 foreign person or foreign vessel (regardless of ownership)
9 that the President determines—

10 (1) is responsible for or complicit in—

11 (A) illegal, unreported, or unregulated fish-
12 ing; or

13 (B) except as part of a conservation effort,
14 the sale, supply, purchase, or transfer (includ-
15 ing transportation) of endangered species, as
16 defined in section 3(6) of the Endangered Spe-
17 cies Act of 1973 (16 U.S.C. 1532(6));

18 (2) is a leader or official of an entity, including
19 a government entity, that has engaged in, or the
20 members of which have engaged in, any of the ac-
21 tivities described in paragraph (1) during the tenure
22 of the leader or official;

23 (3) has ever owned, operated, chartered, or con-
24 trolled a vessel during which time the personnel of

1 the vessel engaged in any of the activities described
2 in paragraph (1); or

3 (4) has materially assisted, sponsored, or pro-
4 vided financial, material, or technological support
5 for, or goods or services in support of—

6 (A) any of the activities described in para-
7 graph (1); or

8 (B) any foreign person engaged in any
9 such activity.

10 (b) SANCTIONS DESCRIBED.—The sanctions that
11 may be imposed under subsection (a) with respect to a
12 foreign person or foreign vessel are the following:

13 (1) BLOCKING OF PROPERTY.—Notwith-
14 standing section 202 of the International Emergency
15 Economic Powers Act (50 U.S.C. 1701), the exercise
16 of all powers granted to the President by the Inter-
17 national Emergency Economic Powers Act (50
18 U.S.C. 1701 et seq.) to the extent necessary to block
19 and prohibit all transactions in all property and in-
20 terests in property of a foreign person described in
21 subsection (a), if such property and interests in
22 property are in the United States, come within the
23 United States, or are or come within the possession
24 or control of a United States person.

1 (2) INADMISSIBILITY TO THE UNITED
2 STATES.—In the case of an alien described in sub-
3 section (a), or any alien that the President deter-
4 mines is a corporate officer or principal of, or a
5 shareholder with a controlling interest in, a foreign
6 person described in subsection (a) that is an enti-
7 ty—

8 (A) ineligibility for a visa and inadmis-
9 sibility to the United States; and

10 (B) revocation of any valid visa or travel
11 documentation in accordance with section
12 221(i) of the Immigration and Nationality Act
13 (8 U.S.C. 1201(i)).

14 (3) PROHIBITION ON ACCESS TO THE UNITED
15 STATES.—In the case of a foreign vessel described in
16 subsection (a), denial of access to United States
17 ports.

18 (4) LOANS FROM UNITED STATES FINANCIAL
19 INSTITUTIONS.—The President may prohibit any
20 United States financial institution from making
21 loans or providing credits to a foreign person de-
22 scribed in subsection (a).

23 (5) FOREIGN EXCHANGE.—The President may,
24 pursuant to such regulations as the President may
25 prescribe, prohibit any transactions in foreign ex-

1 change that are subject to the jurisdiction of the
2 United States and in which a foreign person or for-
3 eign vessel described in subsection (a) has any inter-
4 est.

5 (c) REPORT REQUIRED.—Not later than 1 year after
6 the date of the enactment of this Act, and annually there-
7 after, the President shall submit a report on the imposi-
8 tion of sanctions under this section to—

9 (1) the Committee on Banking, Housing, and
10 Urban Affairs and the Committee on Foreign Rela-
11 tions of the Senate; and

12 (2) the Committee on Financial Services and
13 the Committee on Foreign Affairs of the House of
14 Representatives.

15 (d) NATIONAL INTEREST WAIVER.—The President
16 may waive the imposition of sanctions under subsection
17 (a) with respect to a foreign person or foreign vessel if
18 the President determines that such a waiver is in the na-
19 tional interests of the United States.

20 (e) EXCEPTIONS.—

21 (1) EXCEPTIONS FOR AUTHORIZED INTEL-
22 LIGENCE AND LAW ENFORCEMENT ACTIVITIES.—
23 Sanctions under this section shall not apply with re-
24 spect to activities subject to the reporting require-
25 ments under title V of the National Security Act of

1 1947 (50 U.S.C. 3091 et seq.) or any authorized in-
2 telligence, law enforcement, or national security ac-
3 tivities of the United States.

4 (2) EXCEPTION TO COMPLY WITH INTER-
5 NATIONAL AGREEMENTS.—Sanctions under sub-
6 section (b)(2) shall not apply with respect to the ad-
7 mission of an alien to the United States if such ad-
8 mission is necessary to comply with the obligations
9 of the United States under the Agreement regarding
10 the Headquarters of the United Nations, signed at
11 Lake Success on June 26, 1947, and entered into
12 force on November 21, 1947, between the United
13 Nations and the United States, or the Convention on
14 Consular Relations, done at Vienna on April 24,
15 1963, and entered into force on March 19, 1967, or
16 other international obligations.

17 (3) EXCEPTION FOR SAFETY OF VESSELS AND
18 CREW.—Sanctions under this section shall not apply
19 with respect to a person providing provisions to a
20 vessel if such provisions are intended for the safety
21 and care of the crew aboard the vessel or the main-
22 tenance of the vessel to avoid any environmental or
23 other significant damage.

24 (4) HUMANITARIAN EXCEPTION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the President may not im-
3 pose sanctions under this section with respect
4 to any person for conducting or facilitating a
5 transaction for the sale of agricultural commod-
6 ities, food, medicine, or medical devices or for
7 the provision of humanitarian assistance.

8 (B) EXCLUSION.—The exception under
9 subparagraph (A) does not include transactions
10 for the sale of food or agricultural commodities
11 obtained through illegal, unreported, or unregu-
12 lated fishing.

13 (f) IMPLEMENTATION; PENALTIES.—

14 (1) IMPLEMENTATION.—The President may ex-
15 ercise all authorities provided under sections 203
16 and 205 of the International Emergency Economic
17 Powers Act (50 U.S.C. 1702 and 1704) to carry out
18 this section.

19 (2) PENALTIES.—A person that violates, at-
20 tempts to violate, conspires to violate, or causes a
21 violation of this section or any regulation, license, or
22 order issued to carry out this section shall be subject
23 to the penalties set forth in subsections (b) and (c)
24 of section 206 of the International Emergency Eco-
25 nomic Powers Act (50 U.S.C. 1705) to the same ex-

1 tent as a person that commits an unlawful act de-
2 scribed in subsection (a) of that section.

3 (g) RULEMAKING.—

4 (1) IN GENERAL.—The head of any Federal
5 agency responsible for the implementation of this
6 section may promulgate such rules and regulations
7 as may be necessary to carry out the provisions of
8 this section (which may include regulatory excep-
9 tions), including under section 205 of the Inter-
10 national Emergency Economic Powers Act (50
11 U.S.C. 1704).

12 (2) RULE OF CONSTRUCTION.—Nothing in this
13 section may be construed to limit the authority of
14 the President pursuant to the International Emer-
15 gency Economic Powers Act (50 U.S.C. 1701 et
16 seq.).

17 **SEC. 6. BRIEFING AND REPORT ON GLOBAL ILLEGAL, UN-**
18 **REPORTED, OR UNREGULATED FISHING.**

19 (a) BRIEFING.—Not later than 90 days after the date
20 of the enactment of this Act, the Secretary of State, in
21 consultation with the Secretary of Defense, shall brief the
22 appropriate congressional committees on—

23 (1) efforts to work with United States partners
24 and allies to counter illegal, unreported, or unregu-
25 lated fishing via bilateral engagements;

1 (2) efforts to counter, and challenges faced in
2 countering, illegal, unreported, or unregulated fish-
3 ing through existing international agreements, insti-
4 tutions, and mechanisms; and

5 (3) efforts by the Department of State and the
6 Department of Defense to engage and collaborate
7 with non-governmental organizations and State and
8 local agencies to spread awareness and coordinate
9 responses to global illegal, unreported, or unregu-
10 lated fishing concerns.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, and annually
14 thereafter for 4 years, the Secretary of State, in con-
15 sultation with the Secretary of Defense, shall submit
16 to the appropriate congressional committees a report
17 that includes—

18 (A) recommendations to bolster maritime
19 law enforcement agreements with United States
20 allies and partners;

21 (B) an assessment of the global illegal, un-
22 reported, or unregulated fishing patterns, stra-
23 tegic goals, and regional priorities of the Peo-
24 ple's Republic of China, and government and
25 non-government resourcing vectors of the Peo-

1 ple's Republic of China for illegal, unreported,
2 or unregulated fleets; and

3 (C) an assessment of the efficacy of global
4 forums to respond to illegal, unreported, or un-
5 regulated fishing, and a strategy for United
6 States engagement in such forums.

7 (2) FORM.—The report required by paragraph
8 (1) shall be submitted in unclassified form, but may
9 include a classified annex.

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