

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 1369

To support 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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. KAINE

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Global
5 Fisheries Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMISSION; ADMITTED; ALIEN; LAWFULLY
9 ADMITTED FOR PERMANENT RESIDENCE.—The
10 terms “admission”, “admitted”, “alien”, and “law-

1 fully admitted for permanent residence” have the
2 meanings given those terms in section 101 of the
3 Immigration and Nationality Act (8 U.S.C. 1101).

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Armed Services, the
8 Committee on Commerce, Science, and Trans-
9 portation, and the Committee on Foreign Rela-
10 tions of the Senate; and

11 (B) the Committee on Armed Services, the
12 Committee on Energy and Commerce, the Com-
13 mittee on Foreign Affairs, the Committee on
14 Natural Resources, and the Committee on
15 Transportation and Infrastructure of the House
16 of Representatives.

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

20 (4) ILLEGAL, UNREPORTED, OR UNREGULATED
21 FISHING.—The term “illegal, unreported, or unregu-
22 lated fishing” means activities described as illegal
23 fishing, unreported fishing, or unregulated fishing in
24 paragraph 3 of the International Plan of Action to
25 Prevent, Deter and Eliminate Illegal, Unreported

1 and Unregulated Fishing, adopted at the 24th Ses-
2 sion of the Committee on Fisheries of the Food and
3 Agriculture Organization of the United Nations in
4 Rome on March 2, 2001.

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

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

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

14 (C) any person located in the United
15 States.

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

19 (a) STATEMENT OF POLICY.—It is the policy of the
20 United States to prioritize collaboration with appropriate
21 countries that are allies and partners of the United States,
22 and through appropriate international institutions, to
23 combat illegal, unreported, or unregulated fishing.

24 (b) ACTIONS BY SECRETARIES.—The Secretary of
25 State, the Secretary of Commerce, and the Secretary of

1 Homeland Security may provide direction, as appropriate,
2 to use the voice, vote, and influence of the United States
3 in all appropriate international fora and with appropriate
4 countries that are allies and partners of the United
5 States—

6 (1) to ensure that cutting edge technology is de-
7 ployed in accordance with existing or future mari-
8 time law enforcement agreements the United States
9 may enter or has entered into; and

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

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

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

5 (a) DETERMINATIONS AND RECOMMENDATIONS.—

6 The Secretary of the Treasury, in consultation with the
7 Secretary of State, the Secretary of Commerce, and the
8 Secretary of the Interior, may recommend to the President
9 that the President impose sanctions as described in sub-
10 section (b) with respect to any foreign person or foreign
11 vessel (regardless of ownership) that the Secretaries deter-
12 mine—

13 (1) is responsible for or complicit in—

14 (A) illegal, unreported, or unregulated fish-
15 ing; or

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

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

1 (3) has ever owned, operated, chartered, or con-
2 trolled a vessel during which time the personnel of
3 the vessel engaged in any of the activities described
4 in paragraph (1); or

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

8 (A) any of the activities described in para-
9 graph (1); or

10 (B) any foreign person engaged in any
11 such activity.

12 (b) IMPOSITION OF SANCTIONS.—With respect to a
13 foreign person or foreign vessel that is the subject of a
14 recommendation under subsection (a) or that the Sec-
15 retary of the Treasury, in consultation with the Secretary
16 of State, the Secretary of Commerce, and the Secretary
17 of the Interior, determines has engaged in activity de-
18 scribed in that subsection, the President may impose sanc-
19 tions, including the following:

20 (1) BLOCKING OF PROPERTY.—Notwith-
21 standing section 202 of the International Emergency
22 Economic Powers Act (50 U.S.C. 1701), the exercise
23 of all powers granted to the President by the Inter-
24 national Emergency Economic Powers Act (50
25 U.S.C. 1701 et seq.) to the extent necessary to block

1 and prohibit all transactions in all property and in-
2 terests in property of a foreign person described in
3 subsection (a), if such property and interests in
4 property are in the United States, come within the
5 United States, or are or come within the possession
6 or control of a United States person.

7 (2) INADMISSIBILITY TO THE UNITED
8 STATES.—In the case of an alien described in sub-
9 section (a), or any alien that the President deter-
10 mines is a corporate officer or principal of, or a
11 shareholder with a controlling interest in, a foreign
12 person described in subsection (a) that is an enti-
13 ty—

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

16 (B) revocation of any valid visa or travel
17 documentation in accordance with section
18 221(i) of the Immigration and Nationality Act
19 (8 U.S.C. 1201(i)).

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

1 (4) FOREIGN EXCHANGE.—The President may,
2 pursuant to such regulations as the President may
3 prescribe, prohibit any transactions in foreign ex-
4 change that are subject to the jurisdiction of the
5 United States and in which a foreign person or for-
6 eign vessel described in subsection (a) has any inter-
7 est.

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

12 (1) the Committee on Banking, Housing, and
13 Urban Affairs and the Committee on Foreign Rela-
14 tions of the Senate; and

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

18 (d) EXCEPTIONS.—

19 (1) EXCEPTIONS FOR AUTHORIZED INTEL-
20 LIGENCE AND LAW ENFORCEMENT ACTIVITIES.—
21 Sanctions under this section shall not apply with re-
22 spect to activities subject to the reporting require-
23 ments under title V of the National Security Act of
24 1947 (50 U.S.C. 3091 et seq.) or any authorized in-

1 telligence, law enforcement, or national security ac-
2 tivities of the United States.

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

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

23 (4) HUMANITARIAN EXCEPTION.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), the President may not im-

1 pose sanctions under this section with respect
2 to any person for conducting or facilitating a
3 transaction for the sale of agricultural commod-
4 ities, food, medicine, or medical devices or for
5 the provision of humanitarian assistance.

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

11 (e) IMPLEMENTATION; PENALTIES.—

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

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

1 (f) RULEMAKING.—

2 (1) IN GENERAL.—The Secretary of State, in
3 consultation with the Secretary of Commerce and
4 the Secretary of the Interior, may promulgate such
5 rules and regulations as may be necessary to carry
6 out the provisions of this section (which may include
7 regulatory exceptions and a process for making de-
8 terminations and recommendations under subsection
9 (a)).

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

15 **SEC. 5. REPORT ON GLOBAL ILLEGAL, UNREPORTED, OR**
16 **UNREGULATED FISHING.**

17 (a) REPORT REQUIRED.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, and annually
20 thereafter for 4 years, the Secretary of State, in con-
21 sultation with the Secretary of Defense and in co-
22 ordination with the Secretary of Homeland Security
23 and the Secretary of Commerce, shall submit to the
24 appropriate congressional committees a report that
25 includes—

1 (A) recommendations to bolster maritime
2 law enforcement agreements with countries that
3 are allies and partners of the United States;

4 (B) an assessment of—

5 (i) the global illegal, unreported, or
6 unregulated fishing patterns, strategic
7 goals, and regional priorities of the Peo-
8 ple's Republic of China; and

9 (ii) government and nongovernment
10 resourcing vectors of the People's Republic
11 of China for illegal, unreported, or unregu-
12 lated fishing fleets;

13 (C) an assessment of the efficacy of global
14 forums to respond to illegal, unreported, or un-
15 regulated fishing; and

16 (D) a strategy for the engagement of the
17 United States in such forums.

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

21 (b) INTERAGENCY WORKING GROUP ON ILLEGAL,
22 UNREPORTED, OR UNREGULATED FISHING.—In pre-
23 paring the report required by subsection (a), the Secretary
24 of State shall consider the recommendations of the work-
25 ing group on maritime security and illegal, unreported, or

1 unregulated fishing established by section 3551 of the
2 Maritime Security and Fisheries Enforcement Act (16
3 U.S.C. 8031).