

118TH CONGRESS
2D SESSION

H. R. 8411

To establish prohibitions with respect to vessels loaded or previously held at ports, harbors, or marine terminals in certain Western Hemisphere countries and with respect to which land owned, held, or controlled directly or indirectly by United States persons that is necessary to access the ports, harbors, marine terminals, or relevant port infrastructure has been nationalized, forcibly limited, or expropriated by the governments of such countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2024

Mr. PFLUGER (for himself, Ms. SEWELL, Mr. CARL, Mr. ADERHOLT, Mr. CARBAJAL, Mr. MOORE of Alabama, Mr. MAST, Mr. PALMER, Mr. VICENTE GONZALEZ of Texas, and Mr. STRONG) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, Intelligence (Permanent Select), and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish prohibitions with respect to vessels loaded or previously held at ports, harbors, or marine terminals in certain Western Hemisphere countries and with respect to which land owned, held, or controlled directly or indirectly by United States persons that is necessary to access the ports, harbors, marine terminals, or relevant port infrastructure has been nationalized, forcibly limited, or expropriated by the governments of such countries, 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 “Defending American
5 Property Abroad Act”.

6 **SEC. 2. DESIGNATION OF PROHIBITED PROPERTY.**

7 Not later than 60 days after the date of the enact-
8 ment of this Act, the Secretary of Homeland Security
9 shall—

10 (1) designate all prohibited property, as defined
11 in section 5 of this Act; and

12 (2) provide a list of all prohibited property des-
13 ignated pursuant to paragraph (1) to—

14 (A) the necessary agencies and officials
15 within the Department of Homeland Security
16 and the Department of State for the implemen-
17 tation of section 3 of this Act; and

18 (B) the appropriate congressional commit-
19 tees.

20 **SEC. 3. PROHIBITIONS ON THE USE OF DESIGNATED PROP-**
21 **ERTY.**

22 (a) IN GENERAL.—For fiscal year 2024 and each fis-
23 cal year thereafter, none of the funds appropriated or oth-
24 erwise made available to the Department of Homeland Se-
25 curity or the Department of State may be used to allow

1 a vessel loaded or previously held at a port, harbor, or
2 marine terminal that is designated by the Secretary of
3 Homeland Security as a prohibited property under section
4 2(1) of this Act to—

5 (1) import into the United States any good,
6 ware, article, merchandise, or other freight;

7 (2) release into the United States any good,
8 ware, article, merchandise, or other freight;

9 (3) dock any passenger vessel in the United
10 States;

11 (4) release into the United States any pas-
12 sengers from a passenger vessel; or

13 (5) dry dock, complete repair work, refurbish,
14 victual, refuel, or conduct any other servicing or
15 maintenance-related activities.

16 (b) PROHIBITION ON GOVERNMENT ACTIVITIES OR
17 SALARIES.—For fiscal year 2024 and each fiscal year
18 thereafter, none of the funds appropriated or otherwise
19 made available to the Department of Homeland Security
20 or the Department of State shall be available for any activ-
21 ity or for paying the salary of any Government employee
22 in the case in which funding the activity or paying the
23 salary to a Government employee would result in a deter-
24 mination, regulation, or policy that would limit or impede
25 the enforcement of subsection (a) of this section.

1 **SEC. 4. REPORTS TO CONGRESS.**

2 Not later than 1 year after the date of the enactment
3 of this Act, and each year thereafter—

4 (1) the Secretary of Homeland Security shall
5 submit to the appropriate congressional committees
6 a report on—

7 (A) the number of prohibited property des-
8 ignations made by the Secretary under section
9 2(1) of this Act;

10 (B) the number of freight vessels that were
11 prevented from importing or releasing any
12 goods, wares, articles, merchandise, or other
13 freight into the United States under the prohi-
14 bition in section 3 of this Act;

15 (C) the number of passenger vessels that
16 were prevented from docking or releasing pas-
17 sengers into the United States under the prohi-
18 bition in section 3 of this Act; and

19 (D) the number of vessels that were pre-
20 vented from dry docking, completing repair
21 work, refurbishing, victualling, refueling, or
22 conducting any other servicing or maintenance-
23 related activities;

24 (2) the United States Trade Representative
25 shall submit to the appropriate congressional com-
26 mittees a report on—

1 (A) the number of foreign trade partner
2 governments that have—

3 (i) nationalized, forcibly limited, or ex-
4 propriated land owned, held, or controlled
5 directly or indirectly by a United States
6 person that is necessary to access a port,
7 harbor, marine terminal, or relevant port
8 infrastructure;

9 (ii) repudiated or nullified any con-
10 tract, permit, concession, easement, or
11 similar authorization with a United States
12 person related to land necessary to access
13 a port, harbor, marine terminal, or rel-
14 evant port infrastructure; and

15 (iii) taken any other action which has
16 the effect of seizing ownership or control of
17 the land owned, held, or controlled directly
18 or indirectly by a United States person
19 that is necessary to access a port, harbor,
20 marine terminal, or relevant port infra-
21 structure; and

22 (B) the impact of the actions described in
23 subparagraph (A) on the existing trade rela-
24 tionship between the United States and any
25 such foreign trade partner;

1 (3) the Director of National Intelligence shall
2 submit to the appropriate congressional committees
3 a report on—

4 (A) the national security implications of
5 actions by foreign trade partners to—

6 (i) nationalize, forcibly limit, or expro-
7 pate land owned, held, or controlled di-
8 rectly or indirectly by a United States per-
9 son that is necessary to access a port, har-
10 bor, marine terminal, or relevant port in-
11 frastructure;

12 (ii) repudiate or nullify any contract,
13 permit, concession, easement, or similar
14 authorization with a United States person
15 related to land necessary to access a port,
16 harbor, marine terminal, or relevant port
17 infrastructure; and

18 (iii) seize ownership or control of land
19 owned, held, or controlled directly or indi-
20 rectly by a United States person that is
21 necessary to access a port, harbor, marine
22 terminal, or relevant port infrastructure;
23 and

1 (B) the impact of the actions described in
2 subparagraph (A) on the national security as-
3 sessment of any such foreign trade partner; and

4 (4) the Secretary of State shall submit to the
5 appropriate congressional committees a report on—

6 (A) the economic implications of actions by
7 foreign trade partners to—

8 (i) nationalize, forcibly limit, or expro-
9 priate land owned, held, or controlled di-
10 rectly or indirectly by a United States per-
11 son that is necessary to access a port, har-
12 bor, marine terminal, or relevant port in-
13 frastructure;

14 (ii) repudiate or nullify any contract,
15 permit, concession, easement, or similar
16 authorization with a United States person
17 related to land necessary to access a port,
18 harbor, marine terminal, or relevant port
19 infrastructure; and

20 (iii) seize ownership or control of land
21 owned, held, or controlled directly or indi-
22 rectly by a United States person that is
23 necessary to access a port, harbor, marine
24 terminal, or relevant port infrastructure;
25 and

1 (B) the impact of the actions described in
2 subparagraph (A) on the economic assessment
3 of the investment climate of any such foreign
4 trade partner.

5 **SEC. 5. DEFINITIONS.**

6 For the purposes of this Act:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) in the House of Representatives—

11 (i) the Committee on Homeland Secu-
12 rity;

13 (ii) the Committee on Foreign Affairs;

14 (iii) the Committee on Ways and
15 Means; and

16 (iv) the Permanent Select Committee
17 on Intelligence; and

18 (B) in the Senate—

19 (i) the Committee on Homeland Secu-
20 rity and Governmental Affairs;

21 (ii) the Committee on Foreign Rela-
22 tions;

23 (iii) the Committee on Finance; and

24 (iv) the Committee on Intelligence.

1 (2) FOREIGN TRADE PARTNER.—The term
2 “foreign trade partner” means a Western Hemi-
3 sphere country that is party to an active free trade
4 agreement with the United States;

5 (3) PASSENGER VESSEL.—The term “passenger
6 vessel” means a vessel that—

7 (A) is authorized to carry at least 250 pas-
8 sengers;

9 (B) has onboard sleeping facilities for each
10 passenger;

11 (C) is on a voyage that embarks or dis-
12 embarks passengers; and

13 (D) is not engaged in a coastwise voyage;

14 (4) PROHIBITED PROPERTY.—The term “pro-
15 hibited property” means any ports, marine termi-
16 nals, or harbors that—

17 (A) are located within the territory of a
18 foreign trade partner;

19 (B) are only accessible by land that is
20 owned, held, or controlled directly or indirectly
21 by a United States person; and

22 (C) the departments, agencies, or officials
23 of such trade partner have on or after January
24 1, 2024—

1 (i) nationalized, forcibly limited, or ex-
2 propriated the land owned, held, or con-
3 trolled directly or indirectly by a United
4 States person that is necessary to access
5 the port, harbor, marine terminal, or rel-
6 evant port infrastructure;

7 (ii) repudiated or nullified any con-
8 tract, permit, concession, easement, or
9 similar authorization with a United States
10 person related to the land necessary to ac-
11 cess the port, harbor, marine terminal, or
12 relevant port infrastructure; or

13 (iii) taken any other action which has
14 the effect of seizing ownership or control of
15 the land owned, held, or controlled directly
16 or indirectly by a United States person
17 that is necessary to access the port, har-
18 bor, marine terminal, or relevant port in-
19 frastructure;

20 (5) RELEVANT PORT INFRASTRUCTURE.—The
21 term “relevant port infrastructure” means—

22 (A) conveyors and other equipment used to
23 load or unload freight or passenger vessels;

24 (B) roads and pathways used to load or
25 unload freight or passenger vessels;

1 (C) docks and piers used to load or unload
2 freight or passenger vessels;

3 (D) moorings, dolphins, or other structures
4 used for anchoring freight or passenger vessels;

5 (E) silos, domes, or other structures used
6 for the storage of any good, ware, article, mer-
7 chandise, or other freight; and

8 (F) offices, facilities, and other buildings
9 used for the administration and security of the
10 port or harbor; and

11 (6) UNITED STATES PERSON.—The term
12 “United States person” means a United States cit-
13 izen or corporation, partnership, or association at
14 least 50 percent beneficially owned by United States
15 citizens.

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