

.....
(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 46, United States Code, with respect to the types of vessels that may enter or operate in navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PFLUGER (for himself and Mr. CARBAJAL) introduced the following bill;
which was referred to the Committee on _____

A BILL

To amend title 46, United States Code, with respect to the types of vessels that may enter or operate in navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, 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 of 2026”.

1 **SEC. 2. 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—

19 “(I) an emergency being experi-
20 enced by a vessel or an individual on
21 the vessel; or

22 “(II) a vessel authorized by the
23 owner, as described in subsection
24 (b)(1)(C)(ii), to transit the facilities
25 described in subsection (b)(1)(C).”;
26 and

1 (2) in subsection (b)—

2 (A) in paragraph (1) by inserting “the”
3 before “Federal Register”;

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

6 (C) by redesignating paragraphs (1) and
7 (2) as subparagraphs (A) and (B);

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

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

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

12 “(C) a vessel that has transited a port,
13 harbor, or marine terminal, that at the time of
14 such transit—

15 “(i) was located within the territory of
16 a Western Hemisphere country that has in
17 effect a free trade agreement with the
18 United States;

19 “(ii) was accessible only through land
20 that is owned, held, or controlled, directly
21 or indirectly, by a United States person;
22 and

23 “(iii) was designated by the President
24 under paragraph (2), and has not had such
25 designation removed under paragraph (3).

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

6 “(A) nationalized, or expropriated the port,
7 harbor, or marine terminal, owned, held, or con-
8 trolled, directly or indirectly, by a United States
9 person; or

10 “(B) taken any other action that has the
11 effect of expropriating or nationalizing that
12 port, harbor, or marine terminal, or land pro-
13 viding the exclusive access to that port, harbor,
14 or marine terminal, as described in paragraph
15 (1)(C)(ii), as long as the matter is not the sub-
16 ject of a currently pending arbitration under a
17 free trade agreement described in paragraph
18 (1)(C)(i).

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

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

1 “(B) the Western Hemisphere country has
2 returned the property of the United States per-
3 son and terminated any measures that had the
4 effect of seizing ownership of that property;

5 “(C) the Western Hemisphere country has
6 provided adequate and effective compensation
7 for such property in convertible foreign ex-
8 change or other mutually acceptable compensa-
9 tion equivalent to the full value thereof, as re-
10 quired by international law; or

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