

118TH CONGRESS
1ST SESSION

S. 3417

To prohibit the importation of seafood and aquaculture products from the People's Republic of China.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2023

Mr. COTTON (for himself, Mrs. HYDE-SMITH, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To prohibit the importation of seafood and aquaculture products from the People's Republic of China.

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 “Ban China’s Forbidden
5 Operations in the Oceanic Domain Act” or the “Ban C-
6 FOOD Act”.

1 **SEC. 2. PROHIBITION ON IMPORTATION OF SEAFOOD AND**
2 **AQUACULTURE PRODUCTS FROM THE PEO-**
3 **PLE'S REPUBLIC OF CHINA.**

4 (a) **IN GENERAL.**—During the period described in
5 subsection (b), the importation of seafood and aquaculture
6 products that originate in the People's Republic of China
7 is prohibited.

8 (b) **PERIOD DESCRIBED.**—The period described in
9 this subsection is the period—

10 (1) beginning on the date that is one year after
11 the date of the enactment of this Act; and

12 (2) ending on the date on which all of the cer-
13 tifications described in subsection (c) have been sub-
14 mitted to Congress.

15 (c) **CERTIFICATIONS DESCRIBED.**—The certifications
16 described in this subsection are the following:

17 (1) A certification by the Secretary of State
18 that neither the fishing fleets nor the aquaculture
19 industry of the People's Republic of China are
20 meaningfully using forced labor.

21 (2) A certification by the Secretary of Com-
22 merce that the Government of the People's Republic
23 of China is not subsidizing those fleets or that in-
24 dustry beyond international norms.

1 (3) A certification by the Secretary of Defense
2 that the fishing fleets of the People’s Republic of
3 China will not be used in an invasion of Taiwan.

4 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO EN-**
5 **TITIES FACILITATING TRANSSHIPMENT.**

6 (a) **IN GENERAL.**—The Secretary of the Treasury
7 shall impose the sanctions described in subsection (b) with
8 respect to each person that the Secretary determines
9 knowingly participates in the transshipment, during the
10 period described in section 2(b), of seafood or aquaculture
11 products that originate in the People’s Republic of China
12 into the United States in violation of section 2(a).

13 (b) **SANCTIONS DESCRIBED.**—The Secretary shall,
14 pursuant to the International Emergency Economic Pow-
15 ers Act (50 U.S.C. 1701 et seq.), block and prohibit all
16 transactions in property and interests in property of a for-
17 eign person described in subsection (a) if such property
18 and interests in property are in the United States, come
19 within the United States, or are or come within the posses-
20 sion or control of a United States person.

21 (c) **IMPLEMENTATION; PENALTIES.**—

22 (1) **IMPLEMENTATION.**—The Secretary may ex-
23 ercise the authorities provided to the President
24 under sections 203 and 205 of the International
25 Emergency Economic Powers Act (50 U.S.C. 1702

1 and 1704) to the extent necessary to carry out this
2 section.

3 (2) PENALTIES.—A person that violates, at-
4 tempts to violate, conspires to violate, or causes a
5 violation of this section or any regulation, license, or
6 order issued to carry out this section shall be subject
7 to the penalties set forth in subsections (b) and (c)
8 of section 206 of the International Emergency Eco-
9 nomic Powers Act (50 U.S.C. 1705) to the same ex-
10 tent as a person that commits an unlawful act de-
11 scribed in subsection (a) of that section.

12 (d) UNITED STATES PERSON DEFINED.—In this sec-
13 tion, the term “United States person” means—

14 (1) a United States citizen or an alien lawfully
15 admitted for permanent residence to the United
16 States;

17 (2) an entity organized under the laws of the
18 United States or of any jurisdiction within the
19 United States, including a foreign branch of such an
20 entity; or

21 (3) any person in the United States.

22 **SEC. 4. IMPOSITION OF DUTIES TO PREVENT TRANS-**
23 **SHIPMENT.**

24 During the period described in section 2(b), the
25 United States Trade Representative shall impose such du-

1 ties with respect to seafood and aquaculture products as
2 the Trade Representative determines necessary—

3 (1) to prevent the transshipment into the
4 United States of such products that originate in the
5 People’s Republic of China in violation of section
6 2(a); and

7 (2) to penalize countries that facilitate such
8 transshipment.

9 **SEC. 5. REPORT ON COMBATING ABUSES OF FISHING**
10 **FLEETS AND AQUACULTURE INDUSTRY OF**
11 **THE PEOPLE’S REPUBLIC OF CHINA.**

12 Not later than 90 days after the date of the enact-
13 ment of this Act, the President shall submit to Congress
14 a report that—

15 (1) describes in detail—

16 (A) all efforts of the executive branch to
17 combat illegal fishing and the use of forced
18 labor by the fishing fleets and aquaculture in-
19 dustry of the People’s Republic of China; and

20 (B) the funds and other resources allo-
21 cated to such efforts; and

22 (2) includes requests for the additional funding,
23 resources, and authorities necessary to combat ille-
24 gal fishing and the use of forced labor by the fishing

- 1 fleets and aquaculture industry of the People's Re-
- 2 public of China.

