

118TH CONGRESS
2D SESSION

S. 5089

To impose sanctions with respect to the maritime militia of the People's Republic of China.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Mr. ROMNEY (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To impose sanctions with respect to the maritime militia of 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 “Targeting Illicit Dis-
5 ruption and Encroachment in Seas Act of 2024” or the
6 “TIDES Act of 2024”.

7 **SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
8 **EIGN ADVERSARY MARITIME MILITIA.**

9 (a) IN GENERAL.—On and after the date that is 90
10 days after the date of the enactment of this Act, the Presi-

1 dent may impose the sanctions described in subsection (b)
2 with respect to any foreign adversary entity that the Presi-
3 dent determines—

4 (1) has materially contributed to, engaged in,
5 or provided significant direct or indirect support
6 for—

7 (A) the maritime militia of a foreign adver-
8 sary;

9 (B) the provision of logistical support to
10 such a militia, including provision of at-sea or
11 at-port refueling or any other on-shore services,
12 such as repair and servicing;

13 (C) the construction of vessels used by
14 such a militia;

15 (D) the direction or control of such a mili-
16 tia, including directing activities that inhibit or
17 coerce another country from protecting its sov-
18 ereign rights or access to vessels or territory
19 under its control; or

20 (E) other activities that may support, sus-
21 tain, or enable the activities of such a militia;
22 or

23 (2) has materially assisted, sponsored, or pro-
24 vided financial, material, or technological support
25 for, or goods or services to, or in support of, any

1 person subject to sanctions pursuant to paragraph
2 (1).

3 (b) SANCTIONS DESCRIBED.—The sanctions de-
4 scribed in this subsection are, notwithstanding section 202
5 of the International Emergency Economic Powers Act (50
6 U.S.C. 1701), the exercise of the authorities provided to
7 the President under that Act (50 U.S.C. 1701 et seq.)
8 to the extent necessary to block and prohibit all trans-
9 actions in property and interests in property of a foreign
10 adversary entity subject to subsection (a) if such property
11 or interests in property are in the United States, come
12 within the United States, or are or come within the posses-
13 sion or control of a United States person.

14 (c) EXCEPTIONS.—

15 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
16 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
17 TIES.—Sanctions under this section shall not apply
18 to any authorized intelligence, law enforcement, or
19 national security activities of the United States.

20 (2) EXCEPTION RELATING TO IMPORTATION OF
21 GOODS.—

22 (A) IN GENERAL.—The authority to im-
23 pose sanctions under this section shall not in-
24 clude the authority to impose sanctions on the
25 importation of goods.

1 (B) GOOD DEFINED.—In this paragraph,
2 the term “good” means any article, natural or
3 manmade substance, material, supply, or manu-
4 factured product, including inspection and test
5 equipment and excluding technical data.

6 (d) WAIVER.—The President may waive the applica-
7 tion of sanctions under this section with respect to a for-
8 eign adversary entity if the President determines and re-
9 ports to Congress that such a waiver is in the national
10 interests of the United States.

11 (e) IMPLEMENTATION; PENALTIES.—

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

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

1 same extent as a person that commits an unlawful
2 act described in subsection (a) of that section.

3 (f) ENGAGEMENT WITH ALLIES AND PARTNERS
4 WITH RESPECT TO MARITIME MILITIA OF PEOPLE’S RE-
5 PUBLIC OF CHINA.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of State
7 should submit to the appropriate congressional committees
8 a report on the efforts of the United States to engage with
9 foreign allies and partners with territorial or security in-
10 terests in the South China Sea, East China Sea, Phil-
11 ippine Sea, and other maritime areas of interest to coordi-
12 nate efforts to counter malign activities of the maritime
13 militia of the People’s Republic of China.

14 (g) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Relations
19 and the Committee on Banking, Housing, and
20 Urban Affairs of the Senate; and

21 (B) the Committee on Foreign Affairs of
22 the House of Representatives.

23 (2) FOREIGN ADVERSARY.—The term “foreign
24 adversary” means a country specified in section
25 791.4(a) of title 15, Code of Federal Regulations.

1 (3) FOREIGN ADVERSARY ENTITY.—The term
2 “foreign adversary entity” means an entity orga-
3 nized under the laws of or otherwise subject to the
4 jurisdiction of a foreign adversary.

5 (4) MARITIME MILITIA.—The term “maritime
6 militia” means an organized civilian force that—

7 (A) operates primarily in maritime do-
8 mains, including coastal waters, exclusive eco-
9 nomic zones, and international waters, and may
10 use a variety of vessels, including fishing boats,
11 trawlers, and other commercial vessels;

12 (B) is acting under the authority of, or is
13 funded by, the government of a country; or

14 (C) is equipped and trained for the pur-
15 pose of supporting and advancing the geo-
16 political or strategic objectives of that govern-
17 ment, including asserting territorial claims,
18 safeguarding maritime interests of that country,
19 and conducting activities such as surveillance,
20 reconnaissance, intelligence gathering, and
21 logistical support, and may engage in coordi-
22 nated activities with naval and other military
23 forces of that country.

24 (5) PERSON.—The term “person” means an in-
25 dividual or entity.

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

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

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

10 (C) any person located in the United
11 States.

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