

118TH CONGRESS
2D SESSION

S. 5306

To authorize the imposition of sanctions with respect to significant actions that exacerbate climate change, to reinforce comprehensive efforts to limit global average temperature rise, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2024

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

A BILL

To authorize the imposition of sanctions with respect to significant actions that exacerbate climate change, to reinforce comprehensive efforts to limit global average temperature rise, 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 “Targeting Environ-
5 mental and Climate Recklessness Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Climate change is imposing significant dam-
2 age on communities in the United States and abroad
3 in the form of severe weather events, wildfires, heat
4 waves, droughts, flooding, ocean acidification, and
5 other threats to public health and safety. Scientists
6 expect these effects to grow in frequency and inten-
7 sity in the coming decades. Low-income commu-
8 nities, communities of color, and women bear a dis-
9 proportionate impact of climate-related damages.

10 (2) Collectively, the international community
11 needs to limit global warming to under 1.5 degrees
12 Celsius above pre-industrial levels in order to avoid
13 the most catastrophic effects of climate change.
14 Under the current trajectory, the world will fail to
15 meet this target and will experience warming that
16 exceeds 3 degrees Celsius by the end of the century.
17 In many regions of the world, warming of average
18 temperatures has already surpassed 1.5 degrees Cel-
19 sius.

20 (3) To limit global warming to under 1.5 de-
21 grees Celsius above pre-industrial levels, the world
22 needs to reach net-zero global emissions by 2050,
23 which will require making drastic reforms to global
24 economic systems to mitigate greenhouse gas emis-
25 sions, reduce deforestation, reduce dependency on

1 coal, oil, and gas, adapt to unavoidable changes in
2 the climate, and ensure a just transition.

3 (4) The goals articulated in the Paris Agree-
4 ment depend on collective action involving the entire
5 international community. Progress made by one eco-
6 nomic actor can be reduced or cancelled out if an-
7 other economic actor emits significant greenhouse
8 gas emissions into the Earth's atmosphere or de-
9 stroys important carbon sinks.

10 (5) Coal is one of the most carbon-intensive fuel
11 sources. The International Energy Agency estimates
12 that coal is responsible for nearly $\frac{1}{3}$ of global warm-
13 ing. The United Nations Secretary General has re-
14 peatedly urged countries to stop financing coal and
15 to pledge not to build new coal-fired power plants.
16 Globally, oil and gas operations account for 15 per-
17 cent of total energy-related emissions. At the 28th
18 United Nations Climate Change Conference (com-
19 monly known as "COP28") in 2023, the outcome of
20 the first global stocktake under the Paris Agreement
21 called for a global effort to transition away from fos-
22 sil fuels in energy systems, in a just, orderly, and
23 equitable manner, accelerating action in this critical
24 decade, so as to achieve net-zero global emissions by
25 2050 in keeping with the science.

1 (6) Subcritical coal-fired power plants continue
2 to be developed, especially in Southeast Asia and as
3 part of the Belt and Road Initiative of the People's
4 Republic of China, despite broad awareness of the
5 dangers and the growing availability of economically
6 superior alternatives. Additionally, coal mining is
7 frequently associated with a wide range of abuses
8 that impact the enjoyment of human rights, such as
9 forced evictions and land grabbing, water and air
10 pollution, and violations of the rights of Indigenous
11 Peoples and workers.

12 (7) Alternatives to carbon-intensive electrical
13 power generation are now available and technological
14 advancements continue to strengthen the economic
15 competitiveness of such alternatives.

16 (8) Internationally, several economic actors con-
17 tinue to pursue activities, such as development of
18 new subcritical coal-fired power plants and deforest-
19 ation that contribute to dangerous levels of green-
20 house gas emissions. In addition to carrying a sig-
21 nificant climate risk, many of these activities are as-
22 sociated with serious human rights abuses, acts of
23 corruption, and environmental injustice against In-
24 digenous communities, communities of color, and

1 other communities that have historically faced
2 marginalization and discrimination.

3 (9) The United States Government has devel-
4 oped and implements targeted measures to restrict
5 access to the United States financial system for spe-
6 cific individuals and entities whose actions threaten
7 or run counter to United States national interests.
8 While the United States has not yet used such meas-
9 ures for climate-related activities alone, the United
10 States Government has deployed such measures in
11 response to terrorism, proliferation of weapons of
12 mass destruction, transnational organized crime,
13 narcotics trafficking, malicious cyber-enabled activ-
14 ity, wildlife trafficking, serious human rights abuses,
15 and acts of corruption.

16 (10) President Biden has indicated that com-
17 bating the climate crisis is a top domestic and for-
18 eign policy priority and has taken steps including
19 the creation of a Special Presidential Envoy for Cli-
20 mate, collaborating with other countries to establish
21 worldwide solutions and reduce the impact of climate
22 change, striving to achieve a net-zero economy in the
23 United States by 2050, producing a plan to end
24 international financing for fossil fuel projects, and

1 emphasizing the need of pursuing an entirely clean
2 energy economy.

3 (11) President Biden has made it a priority to
4 counter environmental injustices in the United
5 States and abroad, and plans on implementing com-
6 munity-led approaches as well as Federal protections
7 and regulations that will support those community
8 members whose land and health have been negatively
9 impacted by climate change.

10 (12) The climate crisis has led to a surge of
11 civic engagement, activism, and protests across the
12 world. At the same time, reprisals against environ-
13 mental defenders are on the rise. Front Line De-
14 fenders reported that of the 196 human rights de-
15 fenders, including environmental defenders, were
16 killed for their work in 2023. In 2024, Global Wit-
17 ness reported more than 2,100 defenders have been
18 killed since 2012. Thousands of other environmental
19 defenders are targeted each year with reprisals in
20 the form of enforced disappearances, torture, sexual
21 violence, criminalization, and smear campaigns.

22 (13) Illegal deforestation is a significant driver
23 of the destruction of the Amazon rainforest. Crimi-
24 nal networks with the capacity to coordinate large-
25 scale extraction, processing, and sale of timber de-

1 ploy armed personnel to protect their interests.
2 Those criminal networks regularly attack and
3 threaten members of Indigenous communities, other
4 environmental defenders, and enforcement officials.
5 Perpetrators of such violence are rarely brought to
6 justice.

7 (14) Policies and measures to address climate
8 change and deforestation should also promote
9 human rights, thereby advancing equality, justice,
10 and dignity for all, in line with the Sustainable De-
11 velopment Goals and the Guiding Principles on
12 Business and Human Rights of the United Nations.

13 **SEC. 3. SENSE OF CONGRESS ON A COMPREHENSIVE AP-**
14 **PROACH TO ADDRESSING CLIMATE CHANGE.**

15 It is the sense of Congress that—

16 (1) the targeted measures described in this Act
17 are only one component of the comprehensive ap-
18 proach needed to address climate change and miti-
19 gate its effects;

20 (2) the United States Government must ensure
21 through law and regulation that entities in the
22 United States are not engaged in or complicit in any
23 of the egregious behaviors for which foreign persons
24 may be targeted under this Act;

1 (3) the United States Government should con-
2 tinue to make progress toward scaling international
3 climate finance to more than \$11,000,000,000 annu-
4 ally and promote international efforts to support cli-
5 mate change adaptation and mitigation;

6 (4) the United States Government must work
7 proactively with foreign governments, including by
8 offering positive incentives, to address climate
9 change and to promote economic development in
10 ways that do not needlessly increase carbon emis-
11 sions, deforestation, or the risk of corruption;

12 (5) the targeted measures described in this Act
13 should be employed if engagement has failed to pre-
14 vent significant actions that exacerbate climate
15 change and deforestation; and

16 (6) given broad international support for coun-
17 tering climate change, the Secretary of State should
18 encourage the governments of other countries to im-
19 plement targeted measures that are similar to the
20 provisions of this Act, and the Secretary of the
21 Treasury should support implementation of such
22 measures, in order to increase the effectiveness of
23 actions taken by the United States to combat signifi-
24 cant actions that exacerbate climate change, includ-
25 ing related corruption and human rights violations.

1 **SEC. 4. STATEMENT OF POLICY ON APPLICATION OF GLOB-**
2 **AL MAGNITSKY SANCTIONS TO ENVIRON-**
3 **MENT-LINKED CORRUPTION AND HUMAN**
4 **RIGHTS ABUSES.**

5 (a) IN GENERAL.—It is the policy of the United
6 States to consider use of applicable authorities described
7 in Executive Order 13818 (50 U.S.C. 1701 note; relating
8 to blocking the property of persons involved in serious
9 human rights abuse or corruption) in relation to activities
10 described in section 5(b), including for acts of corruption
11 and serious human rights abuses against individuals de-
12 scribed in subsection (b).

13 (b) INDIVIDUALS DESCRIBED.—An individual de-
14 scribed in this subsection is an individual who—

15 (1) advocates for the protection of the environ-
16 ment, public health, Indigenous rights, or commu-
17 nity land rights;

18 (2) investigates, exposes, or raises awareness of
19 harm or corruption related to natural resource use;
20 or

21 (3) is obliged to leave the individual's habitual
22 home due, in whole or in part, to sudden or progres-
23 sive change in the environment—

24 (A) caused by human activities or attrib-
25 utable to climate change; and

1 (B) that adversely affects the individual's
2 life or living conditions.

3 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO SIG-**
4 **NIFICANT ACTIONS THAT EXACERBATE CLI-**
5 **MATE CHANGE, DEFORESTATION, OR HARM**
6 **TO ENVIRONMENTAL DEFENDERS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the President should employ the authorities
9 provided by this section to prioritize action against, and
10 deterrence of, egregious behaviors that—

11 (1) undermine efforts to limit the increase in
12 global average temperature to 1.5 degrees Celsius
13 above pre-industrial levels;

14 (2) contribute to deforestation; or

15 (3) present specific harm to environmental de-
16 fenders.

17 (b) IN GENERAL.—The President may impose one or
18 more of the sanctions described in subsection (c) with re-
19 spect to any foreign person the President determines,
20 based on credible information—

21 (1) knowingly, recklessly, or willfully engages in
22 an activity in a foreign country that causes, or is
23 likely to cause, greenhouse gas emissions that are
24 not in line with scientifically established pathways to
25 help avoid an increase in the Earth's temperature of

1 more than 1.5 degree Celsius above pre-industrial
2 levels, as determined by the Secretary of State, in-
3 cluding any action that significantly undermines, as
4 a result of timing, magnitude, or corruption, projects
5 for the adoption in the country of high-efficiency,
6 low-carbon, or renewable energy technology or infra-
7 structure, including the construction of low-efficiency
8 fossil fuel power plants;

9 (2) engages in an activity in a foreign country
10 that causes, or is likely to cause, illegal deforestation
11 or loss of natural carbon sinks, including—

12 (A) establishment of incentives for, or pro-
13 motion of, knowingly conducting deforestation;
14 or

15 (B) engagement in, or failure to combat, il-
16 legal logging, mining, or ranching;

17 (3) knowingly engages in an activity in a for-
18 eign country that misrepresents the environmental
19 impact of a project, investment, or product, includ-
20 ing misrepresenting the amount of greenhouse gas
21 emissions associated with the project, investment, or
22 product, in the context of—

23 (A) assessments conducted by multilateral
24 organizations, national governments, or inves-
25 tors; or

1 (B) public efforts to gain market advan-
2 tage based on purported environmental advan-
3 tages of a product;

4 (4) engages in an activity in a foreign country
5 that causes, or is likely to cause, limitations on or
6 circumvention of opposition to deforestation or
7 projects described in paragraph (1) by individuals
8 seeking to protect the environment, public health, or
9 community land rights, including actions that en-
10 courage impunity for those perpetrating physical
11 threats or violence against such individuals;

12 (5) is otherwise responsible for or complicit in
13 an activity described in any of paragraphs (1)
14 through (4), including a government official who ap-
15 proves or implements policies or acts that serve to
16 promote such an activity;

17 (6) has acted or purported to act for or on be-
18 half of, directly or indirectly, any foreign person in
19 a matter relating to an activity described in any of
20 paragraphs (1) through (4), including for or on be-
21 half of a government official described in paragraph
22 (5);

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

1 tivity described in any of paragraphs (1) through
2 (4); or

3 (8) is owned or controlled by a foreign person
4 that engages an activity described in any of para-
5 graphs (1) through (4) or is described in paragraph
6 (5).

7 (c) SANCTIONS DESCRIBED.—The sanctions that
8 may be imposed with respect to a foreign person under
9 subsection (b) are the following:

10 (1) INADMISSIBILITY TO UNITED STATES.—In
11 the case of a foreign person who is an individual—

12 (A) ineligibility to receive a visa to travel
13 to the United States or to be admitted to the
14 United States; or

15 (B) if the individual has been issued a visa
16 or other documentation, revocation, in accord-
17 ance with section 221(i) of the Immigration and
18 Nationality Act (8 U.S.C. 1201(i)), of the visa
19 or other documentation.

20 (2) BLOCKING OF PROPERTY.—

21 (A) IN GENERAL.—The blocking, in ac-
22 cordance with the International Emergency
23 Economic Powers Act (50 U.S.C. 1701 et seq.),
24 of all transactions in all property and interests
25 in property of the foreign person if such prop-

1 erty and interests in property are in the United
2 States, come within the United States, or are or
3 come within the possession or control of a
4 United States person.

5 (B) INAPPLICABILITY OF NATIONAL EMER-
6 GENCY REQUIREMENT.—The requirements of
7 section 202 of the International Emergency
8 Economic Powers Act (50 U.S.C. 1701) shall
9 not apply for purposes of this paragraph.

10 (3) OTHER SANCTIONS OPTIONS.—Any of the
11 sanctions described in section 235 of the Countering
12 America’s Adversaries Through Sanctions Act (22
13 U.S.C. 9529).

14 (d) CONSIDERATION OF CERTAIN INFORMATION IN
15 IMPOSING SANCTIONS.—In determining whether to im-
16 pose sanctions under subsection (b), the President shall
17 consider—

18 (1) information provided jointly by the chair-
19 person and ranking member of each of the appro-
20 priate congressional committees; and

21 (2) credible information obtained by other coun-
22 tries and nongovernmental organizations that mon-
23 itor environmental harm or violations of human
24 rights.

25 (e) EXCEPTIONS.—

1 (1) INTELLIGENCE AND LAW ENFORCEMENT
2 ACTIVITIES.—Sanctions under this section shall not
3 apply with respect to—

4 (A) any activity subject to the reporting
5 requirements under title V of the National Se-
6 curity Act of 1947 (50 U.S.C. 3091 et seq.); or

7 (B) any authorized intelligence or law en-
8 forcement activities of the United States.

9 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
10 QUARTERS AGREEMENT.—This section shall not
11 apply with respect to the admission of an individual
12 to the United States if the admission of the indi-
13 vidual is necessary to comply with United States ob-
14 ligations under the Agreement between the United
15 Nations and the United States of America regarding
16 the Headquarters of the United Nations, signed at
17 Lake Success June 26, 1947, and entered into force
18 November 21, 1947, under the Convention on Con-
19 sular Relations, done at Vienna April 24, 1963, and
20 entered into force March 19, 1967, or under other
21 international obligations of the United States.

22 (3) EXCEPTION RELATING TO IMPORTATION OF
23 GOODS.—

24 (A) IN GENERAL.—The authority to block
25 and prohibit all transactions in all property and

1 interests in property under this section shall not
2 include the authority to impose sanctions on the
3 importation of goods.

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

9 (f) IMPLEMENTATION; PENALTIES.—

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

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

24 (g) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Environment and
5 Public Works and the Committee on Foreign
6 Relations of the Senate; and

7 (B) the Committee on Energy and Com-
8 merce and the Committee on Foreign Affairs of
9 the House of Representatives.

10 (2) CARBON SINK.—The term “carbon sink”
11 means a feature or process that absorbs more car-
12 bon from the atmosphere than it releases.

13 (3) DEFORESTATION.—The term “deforest-
14 ation” means the conversion of forest to other land
15 use, whether human-induced or not, that results
16 in—

17 (A) permanent reduction of the tree can-
18 opy to less than a minimum 10 percent thresh-
19 old; and

20 (B) the conversion of areas of forest to ag-
21 riculture, pasture, water reservoirs, mining, or
22 urban areas.

23 (4) KNOWINGLY.—The term “knowingly”, with
24 respect to conduct, means—

1 (A) a person has actual knowledge of the
2 facts; or

3 (B) a reasonable person acting in the cir-
4 cumstances and exercising reasonable care
5 would have that knowledge.

6 (5) FOREIGN PERSON.—The term “foreign per-
7 son” means a person that is not a United States
8 person.

9 (6) RECKLESSLY.—The term “recklessly”, with
10 respect to conduct, means that a person displays a
11 deliberate indifference or conscious disregard to the
12 consequences of the conduct.

13 (7) SUBCRITICAL COAL-FIRED POWER PLANT.—
14 The term “subcritical coal-fired power plant” means
15 a coal-fired power plant with carbon intensity equal
16 to or greater than 880 kilograms of carbon dioxide
17 per megawatt-hour.

18 (8) UNITED STATES PERSON.—The term
19 “United States person” means—

20 (A) a United States citizen or an alien law-
21 fully admitted for permanent residence to the
22 United States; or

23 (B) an entity organized under the laws of
24 the United States or of any jurisdiction within

1 the United States, including a foreign branch of
2 such an entity.

3 (9) WILLFULLY.—The term “willfully”, with
4 respect to conduct, means a person has knowledge—

5 (A) of the facts; and

6 (B) that the conduct was subject to sanc-
7 tions under this section.

8 **SEC. 6. ADDITIONAL RESOURCES FOR THE OFFICE OF FOR-**
9 **EIGN ASSETS CONTROL.**

10 There are authorized to be appropriated to the Sec-
11 retary of the Treasury such sums as may be necessary
12 to support the targeting by the Office of Foreign Assets
13 Control of persons under this Act and to enhance the abil-
14 ity of that Office to target persons for the imposition of
15 sanctions under the Global Magnitsky Human Rights Ac-
16 countability Act (22 U.S.C. 10101 et seq.).

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