

118TH CONGRESS
2D SESSION

H. R. 9265

To combat the negative environmental, ecological, and public health impacts of People’s Republic of China and People’s Republic of China-linked investments in sub-Saharan Africa.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2024

Mrs. KIM of California (for herself and Mr. ALLRED) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 combat the negative environmental, ecological, and public health impacts of People’s Republic of China and People’s Republic of China-linked investments in sub-Saharan Africa.

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 “Stopping PRC Envi-
5 ronmental Exploitation and Degradation Act” or the
6 “SPEED Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Department of State report titled “Chi-
4 na’s Environment Abuses” states that the People’s
5 Republic of China (referred to as the “PRC”),
6 “threatens the global economy and global health by
7 unsustainably exploiting natural resources and ex-
8 porting its willful disregard for the environment
9 through its One Belt, One Road initiative”.

10 (2) During the past 20 years, the People’s Re-
11 public of China has significantly increased its eco-
12 nomic and business activities in sub-Saharan Africa.
13 While legal systems across countries vary, business
14 entities are generally bound by the laws of their
15 home country, the host country, and international
16 law. Chinese business entities are notorious for con-
17 sciously violating the laws of their host countries
18 and international law.

19 (3) PRC and Chinese private sector companies
20 (hereafter referred to as “PSCs”) destructive, and
21 at times illegal, mining, drilling, logging, and fishing
22 practices in sub-Saharan Africa cause high levels of
23 concern and harm across sub-Saharan Africa. Many
24 PRC-linked entities and Chinese PSCs in sub-Saha-
25 ran Africa operate with little regard for ecology,

1 public health, and the well-being of local residents
2 and wildlife.

3 (4) The World Wildlife Fund has found that
4 One Belt, One Road corridors overlap with, and thus
5 may adversely affect, over 1,700 key biodiversity
6 areas or important bird areas and the habitat ranges
7 of 265 threatened species.

8 (5) Adverse environmental, ecological, and pub-
9 lic health incidents connected to lax PRC-linked en-
10 tities and PSCs business practices have been re-
11 ported throughout sub-Saharan Africa including, but
12 not limited to, Ethiopia, The Gambia, Ghana, and
13 the Democratic Republic of Congo.

14 (6) As early as 2014, in Ethiopia's Somali
15 "Ogaden" region, reports of a deadly disease spread
16 across the communities surrounding a PRC-linked
17 natural gas plant. Local healthcare professionals
18 suspect that the illness is caused by hazardous
19 chemical waste from the PRC-linked gas drilling op-
20 eration that poisoned the drinking water supply. The
21 illness results in the yellowing of the eyes, bleeding
22 from the nose and mouth, a fever, and then death.
23 Over 2,000 deaths suspected of being attributable to
24 this waste have been reported according to Voice of
25 America.

1 (7) Beginning in 2016, multiple Gambian com-
2 munities have faced adverse environmental and eco-
3 nomic impacts from fishmeal processing factories
4 owned partially or fully by PRC citizen investors.
5 Golden Lead in Gunjur, JXYG in Kartong, and
6 Nessim in Sanyang are accused of illegal, unre-
7 ported, and unregulated (“IUU”) fishing practices,
8 discharging untreated waste into waterways and
9 nearby community gardens, and emitting odors.
10 Overfishing leads to dumping of dead fish which
11 then wash onto beaches, disrupting the local fish
12 market economy and threatening a critical food sup-
13 ply for Gambians. Locals also report that contami-
14 nated wastewater from the fishmeal factories is
15 dumped into freshwater sources, allowing a harmful
16 algae bloom to spread turning the water red.

17 (8) The involvement of Chinese nationals in ille-
18 gal, small-scale gold mining in Ghana, known as
19 “galamsey”, is threatening Ghana’s cocoa industry
20 and subsistence farming. Between 2008 and 2016
21 an estimated 50,000 PRC citizens migrated to
22 Ghana to work in the mining sector. The PRC has
23 been accused of encouraging the goldrush migration
24 to Ghana and has been unhelpful in Ghana’s efforts
25 to crack down on the harmful, illegal mining by

1 PRC citizens. These miners are shifting techniques
2 to sophisticated imported machinery supplied by
3 PRC citizen investors and introducing alternative
4 gold extraction processes, such as cyanide washing,
5 which have had devastating environment impacts es-
6 pecially to Ghana's waterways and cocoa farms.
7 Ghana's National Food Buffer Stock Company Lim-
8 ited, the state-owned company responsible for man-
9 aging the government's emergency food security re-
10 serves, estimates that galamsey activities have nega-
11 tively affected or destroyed more than 19,000 hec-
12 tares (46,950 acres) of cocoa plantations.

13 (9) In 2021, local riverine communities in the
14 Democratic Republic of Congo accused a PRC min-
15 ing company of polluting the Aruwimi River, an im-
16 portant tributary of the Congo River. Locals re-
17 ported water discolored by waste disposal. The inci-
18 dent sparked an increase in sickness, and dead fish
19 began floating in the river, which locals consumed.
20 The PRC mining firm planned to remediate the
21 issue by relocating 10,000 people away from their
22 communities and livelihoods.

23 (10) The PRC's involvement in fisheries can
24 threaten Africa's sovereignty over natural resources
25 through beneficial ownership agreements, coercive li-

1 censing arrangements, and investments in ports,
2 fishmeal, and cold storage facilities. PRC-owned ves-
3 sels frequently reflag to other nations, obscuring
4 ownership and responsibility for vessels' actions.

5 **SEC. 3. STATEMENT OF POLICY.**

6 It is the policy of the United States to—

7 (1) ensure that United States-registered cor-
8 porate entities abide by United States, host country,
9 and international environmental protection and labor
10 laws and regulatory guidelines;

11 (2) oppose the actions of PRC-linked entities
12 and PSCs that do not abide by host country and
13 international environmental protection and labor
14 laws in their business dealings in sub-Saharan Afri-
15 ca and that instead aim to exploit the natural re-
16 source endowments of these countries, irrespective of
17 the damage done to local communities; and

18 (3) work with willing African governments to
19 encourage development of a mitigation strategy for
20 the negative environmental, ecological and public
21 health impact of PRC-linked entities and Chinese
22 PSCs, including holding violators accountable.

23 **SEC. 4. STRATEGY AND SUITABILITY FOR LISTING.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Secretary of State and the Administrator

1 of the United States Agency for International Develop-
2 ment, in consultation with the heads of other Federal de-
3 partments and agencies as applicable, shall submit to Con-
4 gress a strategy to partner with willing African countries
5 to develop mitigation strategies for the negative environ-
6 mental impact of PRC-linked and PSC investments across
7 Africa. Such a strategy shall—

8 (1) outline major founded instances of adverse
9 environmental, ecological, and public health incidents
10 that can be linked to the People’s Republic of China
11 and Chinese PSC’s adverse business practices in
12 sub-Saharan Africa;

13 (2) identify specific sub-Saharan African coun-
14 tries where the opportunity is greatest for increased
15 collaboration on environmental remediation and eco-
16 logical restoration to address and mitigate PRC-
17 linked entities and Chinese PSCs environmental deg-
18 radation; and

19 (3) include a plan detailing how increased
20 United States technical assistance would assist the
21 countries identified in paragraph (2) in combating
22 the environmental degradation caused by PRC-
23 linked entities and Chinese PSCs to positively im-
24 pact the most at-risk communities.

1 **SEC. 5. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the President may impose
4 the sanctions described in subsection (b) with respect to
5 any foreign person the President determines, based on
6 credible evidence and consistent with United States for-
7 eign policy interests, is responsible for a severe, adverse
8 environmental, ecological, or public health incident in sub-
9 Saharan Africa and is—

10 (1) an entity that is headquartered in a country
11 of concern or is organized under the laws of a coun-
12 try of concern; or

13 (2) an individual who is—

14 (A) a citizen of a country of concern;

15 (B) an official or employee of a country of
16 concern; or

17 (C) a foreign employee of an entity de-
18 scribed in paragraph (1).

19 (b) SANCTIONS DESCRIBED.—The sanctions de-
20 scribed in this subsection are the following:

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

23 (A) ineligibility to receive a visa to enter
24 the United States or to be admitted to the
25 United States; or

1 (B) if the individual has been issued a visa
2 or other documentation, revocation, thereof, in
3 accordance with section 221(i) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1201(i)), of
5 the visa or other documentation.

6 (2) BLOCKING OF PROPERTY.—

7 (A) IN GENERAL.—The blocking, in ac-
8 cordance with the International Emergency
9 Economic Powers Act (50 U.S.C. 1701 et seq.),
10 of all transactions in all property and interests
11 in property of a foreign person if such property
12 and interests in property are in the United
13 States, come within the United States, or are or
14 come within the possession or control of a
15 United States person.

16 (B) INAPPLICABILITY OF NATIONAL EMER-
17 GENCY REQUIREMENT.—The requirements of
18 section 202 of the International Emergency
19 Economic Powers Act (50 U.S.C. 1701) shall
20 not apply for purposes of this section.

21 (c) EXCEPTION RELATING TO THE PROVISION OF
22 HUMANITARIAN ASSISTANCE.—Sanctions under this sec-
23 tion may not be imposed with respect to transactions or
24 the facilitation of transactions for—

1 (1) the sale of agricultural commodities, food,
2 medicine, or medical devices;

3 (2) the provision of humanitarian assistance;

4 (3) financial transactions relating to humani-
5 tarian assistance; or

6 (4) transporting goods or services that are nec-
7 essary to carry out operations relating to humani-
8 tarian assistance.

9 (d) EXCEPTION TO COMPLY WITH UNITED NATIONS
10 HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT
11 OBJECTIVES.—Sanctions under subsection (b)(1) shall
12 not apply to an individual if admitting the individual into
13 the United States would further important law enforce-
14 ment objectives or is necessary to permit the United
15 States to comply with the Agreement regarding the Head-
16 quarters of the United Nations, signed at Lake Success
17 June 26, 1947, and entered into force November 21,
18 1947, between the United Nations and the United States,
19 or other applicable international obligations of the United
20 States.

21 (e) EXCEPTIONS FOR INTELLIGENCE ACTIVITIES.—
22 Sanctions under this section shall not apply to any activity
23 subject to the reporting requirements under title V of the
24 National Security Act of 1947 (50 U.S.C. 3091 et seq.)

1 or any authorized intelligence activities of the United
2 States.

3 (f) ENFORCEMENT OF BLOCKING OF PROPERTY.—

4 A person that knowingly violates, attempts to violate, con-
5 spires to violate, or causes a violation of a sanction de-
6 scribed in subsection (b)(2) that is imposed by the Presi-
7 dent or any regulation, license, or order issued to carry
8 out such a sanction shall be subject to the penalties set
9 forth in subsections (b) and (c) of section 206 of the Inter-
10 national Emergency Economic Powers Act (50 U.S.C.
11 1705) to the same extent as a person that commits an
12 unlawful act described in subsection (a) of that section.

13 (g) WAIVER.—The President may waive the applica-
14 tion of subsection (b) if the President—

15 (1) determines that such a waiver is in the na-
16 tional interests of the United States; and

17 (2) not more than 15 days after the waiver
18 takes effect, notifies Congress of the waiver and the
19 reason for the waiver.

20 (h) DEFINITIONS.—In this section:

21 (1) COUNTRY OF CONCERN.—The term “coun-
22 try of concern” has the meaning given to the term
23 “foreign country of concern” in section 231.102 of
24 title 15, Code of Federal Regulations.

1 (2) FOREIGN PERSON.—The term “foreign per-
2 son” means an individual or entity that is not a
3 United States person.

4 (3) UNITED STATES PERSON.—The term
5 “United States person” means—

6 (A) a United States citizen;

7 (B) a permanent resident alien of the
8 United States;

9 (C) an entity organized under the laws of
10 the United States or of any jurisdiction within
11 the United States, including a foreign branch of
12 such an entity; or

13 (D) a person in the United States.

14 **SEC. 6. SUNSET.**

15 This Act shall terminate on the date that is 5 years
16 after the date of the enactment of this Act.

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