119TH CONGRESS
2D SESSION

S. ____

To impose sanctions with respect to the Government of Canada in response to transboundary wildfire smoke affecting the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES
JULY 20, 2026

Mr. MORENO (for himself) introduced the following bill; which was read twice and referred to the Committee on ____

A BILL

To impose sanctions with respect to the Government of Canada in response to transboundary wildfire smoke affecting the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Countering Atmospheric Nuisances Arising from Drifting Airborne Foreign Incendiary Residual Emissions Act” or the “CANADA FIRE Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has a compelling national interest in protecting the health, safety, economic security, and environmental well-being of the people of the United States from significant air pollution originating outside the United States.

(2) Wildfire smoke may contain fine particulate matter and other pollutants capable of traveling substantial distances and degrading air quality beyond the jurisdiction in which a wildfire originates.

(3) During 2026, wildfire smoke originating in the sovereign territory of Canada repeatedly crossed the international border of the United States.

(4) Such smoke –

(A) caused or materially contributed to unhealthy air-quality conditions in communities in the United States;

(B) impaired visibility;

(C) disrupted outdoor work, transportation, recreation, education, tourism, and commercial activity;

(D) increased public-health risks, particularly for children, older adults, pregnant individuals, outdoor workers, and individuals with respiratory or cardiovascular conditions; and

(E) imposed costs on individuals, businesses, State and local governments, Tribal governments, and the Federal Government.

(5) The Government of Canada possesses the authority and capacity to take reasonable measures to mitigate wildfire risks, improve forest and land management, suppress dangerous fires when practicable, provide timely information to neighboring jurisdictions, and cooperate with the United States regarding transboundary air pollution.

(6) The Government of Canada has failed to take sufficient and timely measures to prevent, mitigate, or respond to repeated transboundary wildfire-smoke events affecting the United States.

(7) The diplomatic representations of the United States regarding such smoke have not resulted in adequate remedial action by the Government of Canada.

(8) The repeated and foreseeable transmission of significant wildfire smoke from Canada into the United States constitutes a serious foreign-policy concern and warrants the imposition of targeted economic and diplomatic consequences.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States:

(1) To protect the people of the United States against significant transboundary air pollution;

(2) To hold foreign government officials and entities accountable when their knowing or reckless failure to address preventable environmental conditions causes substantial harm in the United States;

(3) To encourage the Government of Canada to –

(A) Adopt and enforce effective wildfire-prevention and forest-management policies;

(B) Devote adequate resources to wildfire detection, containment, suppression, and mitigation;

(C) Share timely and accurate air-quality and wildfire information with the United States;

(D) Cooperate with Federal, State, local, and Tribal authorities in the United States; and

(E) Prevent recurring material incursions of wildfire smoke into United States territory;

(4) To employ targeted sanctions in a manner that minimizes unintended harm to ordinary residents of Canada; and

(5) To terminate sanctions imposed under this Act when the Government of Canada has taken verifiable and durable corrective action.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMITTED; ALIEN.— The terms “admitted” and “alien” have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES. The term “appropriate congressional committees” means——

(A) The Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(B) The Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives.

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

(4) GOVERNMENT OF CANADA. The term “Government of Canada” means——

(A) The government of Canada and any political subdivision, agency, instrumentality, ministry, department, regulatory body, or other governmental authority thereof;

(B) Any person owned or controlled by, or acting for or on behalf of, the government of Canada; and

(C) Any successor to an entity described in subparagraph (A) or (B).

(5) KNOWINGLY.— The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, circumstance, or result.

(6) MATERIAL TRANSBOUNDARY SMOKE EVENT. The term “material transboundary smoke event” means the transportation by prevailing winds or other atmospheric conditions of wildfire smoke originating substantially within the territory of Canada into the United States in a concentration, duration, or geographic scope that—

(A) Causes or materially contributes to an exceedance of an applicable national ambient air-quality standard established under section 109 of the Clean Air Act (42 U.S.C. 7409);

(B) Results in an Air Quality Index category of “Unhealthy for Sensitive Groups” or worse, as determined by the Administrator of the Environmental Protection Agency, in any area of the United States;

(C) Causes the issuance of a public-health advisory by a Federal, State, local, or Tribal authority; or.

(D) Otherwise causes significant adverse effects on public health, safety, transportation, commerce, agriculture, recreation, or the environment in the United States.

(7) PERSON.— The term “person” means an individual or entity.

(8) RESPONSIBLE FOREIGN PERSON.— The term “responsible foreign person” means a foreign person determined under section 6(a) to be

responsible for, complicit in, or to have materially assisted conduct relating to material transboundary smoke events.

(9) UNITED STATES PERSON. The term “United States person” means —

(A) A United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) An entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(10) WILDFIRE SMOKE.— The term “wildfire smoke” means airborne particulate matter, gases, or other pollutants emitted by a wildfire, prescribed fire, peat fire, forest fire, grassland fire, or other uncontrolled or inadequately controlled vegetation fire.

SEC. 5. DETERMINATION REGARDING TRANSBOUNDARY SMOKE EMERGENCY.

(a) INITIAL DETERMINATION.— Not later than 30 days after the date of enactment of this Act, the President, acting through the Administrator of the Environmental Protection Agency and in consultation with the Secretary of State, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, and the heads of other relevant Federal agencies, shall determine whether

(1) One or more material transboundary smoke events originating substantially in Canada occurred during the 12-month period preceding such determination; and

(2) The Government of Canada failed to take reasonable and effective measures to prevent, mitigate, contain, or otherwise respond to the conditions causing such event or events.

(b) AFFIRMATIVE DETERMINATION.— If the President makes affirmative determinations under paragraphs (1) and (2) of subsection (a), the President shall—

(1) Publish notice of such determinations in the Federal Register; and

(2) Impose the sanctions required below.

(c) FAILURE TO MAKE DETERMINATION.— If the President does not make the determination required under subsection (a) by the date specified in that subsection, the determinations described in paragraphs (1) and (2) of that subsection shall be deemed to have been made in the affirmative on the day after such date.

(D) PERIODIC REVIEW.— Not less frequently than once every 180 days after an affirmative determination under subsection (a), the President shall review whether the conditions supporting such determination continue to exist.

SEC. 6. SANCTIONS WITH RESPECT TO RESPONSIBLE FOREIGN PERSONS.

(a) IDENTIFICATION.—Not later than 60 days after an affirmative determination under section 5(a), and periodically thereafter, the President shall submit to the appropriate congressional committees a list of each foreign person the President determines—

(1) Serves as the Prime Minister, as any current or former member of the Cabinet of the Government of Canada, as any deputy minister or head of a department or agency, or as any successor or substantially equivalent official;

(2) Is or was a senior official of the Government of Canada responsible for—

(A) Forestry;

(B) Land management;

(C) Wildfire prevention or suppression;

(D) Emergency management;

(E) Environmental protection;

(F) Air quality monitoring;

(G) Natural-resource management; or

(H) Cooperation with the United States regarding any matter described in subparagraphs (A) through (G).

(3) Knowingly ordered, directed, authorized, facilitated, or implemented a policy or practice that materially increased the likelihood, severity, or duration of a material transboundary smoke event;

(4) Knowingly obstructed or prevented reasonable action to mitigate or suppress a wildfire that caused or materially contributed to a material transboundary smoke event;

(5) Knowingly concealed, falsified, or materially misrepresented information regarding—

(A) The origin, location, severity, or expected duration of a wildfire;

(B) Wildfire-smoke emissions;

(C) air-quality conditions; or

(D) the expected movement of wildfire smoke toward the United States.

(6) Knowingly failed to provide information or assistance requested by the United States when such failure materially impaired the ability of the United States to prepare for or respond to a material transboundary smoke event;

(7) Materially assisted, sponsored, or provided financial, material, or technological support for an activity described in paragraphs (1) through (6);

(8) Is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, a person described in paragraphs (1) through (6); or

(9) Is an immediate family member of a person described in paragraphs (1) through (8), if the President determines that the family member knowingly received or controlled property or economic benefits derived from conduct described in such paragraphs.

(b) BLOCKING OF PROPERTY.— The President shall exercise all authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a responsible foreign person identified under subsection (a) if such property and interests in property—

(1) Are in the United States;

(2) Come within the United States; or

(3) Are or come within the possession or control of a United States person;

(c) PROHIBITION ON TRANSACTIONS.— Except as provided in section 10, a United States person may not knowingly engage in a transaction with a responsible foreign person whose property and interests in property are blocked under subsection (b).

(d) UPDATES.— The President shall update the list required under subsection (a) not less frequently than once every 180 days for so long as an affirmative determination under section 5(a) remains in effect.

(e) FORM OF LIST.— The list required under subsection (a) shall be submitted in unclassified form and made available to the public, except that the President may include classified information in a classified annex.

SEC. 7. SANCTIONS WITH RESPECT TO THE GOVERNMENT OF CANADA.

(a) MANDATORY SANCTIONS.— Upon an affirmative determination under section 5(a), the President shall impose the sanctions described in paragraphs (1), (2), and (3), and not fewer than 3 of the sanctions described in paragraphs (4) through (9):

(1) UNITED STATES GOVERNMENT PROCUREMENT.— The head of an executive agency may not enter into or renew a contract for the procurement of goods or services with the Government of Canada or an entity owned or controlled by the Government of Canada.

(2) EXPORT-IMPORT BANK ASSISTANCE.— The Export-Import Bank of the United States may not give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the Government of Canada or an entity owned or controlled by the Government of Canada.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.— The Secretary of the Treasury shall instruct the United States executive director at each international financial institution, as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)), to use the voice and vote of the United States to oppose any loan, grant, strategy, or policy that would benefit the Government of Canada, except assistance intended to meet basic human needs or directly support wildfire prevention, suppression, mitigation, environmental remediation, or public health.

(4) PROHIBITION ON BANKING TRANSACTIONS.— The President may prohibit any United States financial institution from making loans or providing credits to the Government of Canada, except loans or credits for the provision of humanitarian goods, agricultural commodities, food, medicine, medical devices, or wildfire-management assistance.

(5) RESTRICTIONS ON SOVEREIGN DEBT.— The President may prohibit United States persons from purchasing, subscribing to, or otherwise dealing in new debt issued by the Government of Canada or an entity owned or controlled by that government.

(6) RESTRICTIONS ON GOVERNMENT EQUITY.— The President may prohibit United States persons from purchasing or dealing in new equity issued by an entity owned or controlled by the Government of Canada.

(7) IMPORT RESTRICTIONS.— The President may prohibit the importation into the United States of goods produced, manufactured, grown, or extracted by an entity owned or controlled by the Government of Canada.

(8) RESTRICTIONS ON NEW INVESTMENT.— The President may prohibit new investment by a United States person in an entity owned or controlled by the Government of Canada.

(9) RESTRICTIONS ON STATE-OWNED ENTERPRISES.— The President may block and prohibit transactions in property and interests in property of any State-owned enterprise of Canada that materially finances or supports a ministry, agency, official, policy, or activity described in section 6(a).

(b) APPLICATION.— A sanction imposed under subsection (a) shall apply notwithstanding any contract, license, or permit entered into or issued before the date on which the sanction is imposed, except to the extent the President provides a wind-down period not exceeding 60 days.

(c) REGULATORY AUTHORITY.— The President may prescribe such regulations, licenses, orders, directives, and guidance as are necessary to carry out this section.

(d) RULE REGARDING PRIVATE PERSONS.— Nothing in this section shall be construed to require the imposition of sanctions on a privately owned person in Canada solely because that person is organized or located in Canada.

SEC. 8. VISA RESTRICTIONS.

(a) INELIGIBILITY.— A foreign person identified under section 6(a) is—

(1) Inadmissible to the United States;

(2) Ineligible to receive a visa or other documentation to enter the United States; and

(3) Otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) CURRENT VISAS REVOKED.— The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), any visa or other entry documentation issued to a foreign person described in subsection (a).

(c) EFFECT OF REVOCATION.— A revocation under subsection (b) shall —

(1) Take effect immediately; and

(2) Automatically cancel any other valid visa or entry documentation that is in the possession of the foreign person.

(d) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.— The Secretary of State may waive the application of this section with respect to a foreign person if the Secretary determines that such a waiver is necessary to permit the United States to comply with —

(1) The Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947; or

(2) Another applicable international obligation of the United States.

(e) LAW-ENFORCEMENT EXCEPTION.— The Secretary of State or the Secretary of Homeland Security may waive the application of this section with respect to a foreign person if the relevant Secretary determines that admission or parole of the person is important to —

(1) A criminal investigation or prosecution in the United States;

(2) The fulfillment of a law-enforcement objective; or

(3) The protection of national security.

SEC. 9. SENSE OF CONGRESS REGARDING CERTAIN DIPLOMATIC PERSONNEL OF CANADA.

(a) FINDINGS.— Congress finds that—

(1) Article 9 of the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, permits a receiving state, at any time and without having to explain its decision, to notify a sending state that the head of mission or another member of the diplomatic staff is persona non grata;

(2) Upon such notification, the sending state is expected, as appropriate, to recall the person concerned or terminate the person's functions with the mission; and

(3) Continued material transboundary smoke events, combined with the failure of the Government of Canada to take adequate corrective action, warrant a substantial diplomatic response;

(b) SENSE OF CONGRESS.— It is the sense of Congress that, until the President submits the certification required under section 13, the Secretary of State should consider declaring persona non grata, pursuant to applicable international law and diplomatic practice, the following accredited diplomatic personnel of the Government of Canada, or the equivalent person as determined by the Secretary of State:

(1) The Ambassador Extraordinary and Plenipotentiary;

(2) The Deputy Chief of Mission;

(3) The Minister Counselor for Political Affairs;

(4) The Minister Counselor for Economic Affairs;

(5) The Minister Counselor for Environment, Climate, and Natural Resources;

(6) The Minister Counselor for Agriculture and Forestry;

(7) The Minister Counselor for Science, Technology, and Innovation;

(8) The Minister Counselor for Public Diplomacy and Strategic Communications;

(9) The Defense Attaché;

(10) The Commercial Counselor;

(11) The Consul Generals assigned to Chicago, Detroit, Minneapolis, and New York;

(12) The First Secretary for Environmental Cooperation;

(13) The First Secretary for Energy and Natural Resources;

(14) The First Secretary for Economic Affairs;

(15) The Press Counselor or Embassy Spokesperson; or

(16) Any substantially equivalent diplomatic officer, counselor, attaché, secretary, consul, or accredited representative of the Government of Canada, as determined by the Secretary of State, whose official responsibilities include environmental policy, forestry, wildfire management, emergency response, natural resources, economic affairs, public diplomacy, scientific cooperation, or other matters related to the prevention, mitigation, monitoring, or public communication of transboundary wildfire smoke;

(c) PRESIDENTIAL CERTIFICATION.— No replacement ambassador or other diplomatic personnel referenced in Subsection (b) may present credentials until the President certifies that the AQI in affected U.S. communities has remained below 100 for 90 consecutive days due to the cessation of smoke originating in Canada.

(d) RULE OF CONSTRUCTION.— Nothing in this section shall be construed—

(1) To require the President to receive, reject, recognize, or maintain diplomatic relations with any particular diplomatic representative;

(2) To alter the authority of the President or the Secretary of State with respect to the conduct of diplomatic relations; or

(3) To modify the privileges and immunities afforded under the Vienna Convention on Diplomatic Relations, the Diplomatic Relations Act (22 U.S.C. 254a et seq.), or any other applicable law or international agreement.

SEC. 10. HUMANITARIAN, DIPLOMATIC, AND OTHER EXCEPTIONS.

(a) IN GENERAL.— The authorities and requirements to impose sanctions under this Act shall not include the authority or requirement to impose sanctions on —

(1) The importation of goods into the United States;

(2) The exportation of goods from the United States; or

(3) Any transaction involving the provision of goods or services, if the President determines that the goods, services, or transaction are necessary for—

(A) Food, medicine, medical devices, or other articles intended to relieve human suffering;

(B) Wildfire prevention, detection, containment, suppression, or mitigation;

(C) Forest restoration or environmental remediation;

(D) Air-quality monitoring, public-health protection, or emergency preparedness;

(E) Disaster response

(F) Agricultural or food security

(G) Telecommunications services necessary for humanitarian or emergency purposes; or

(H) The protection of human life.

(b) IEEPA EXCEPTIONS.— The exceptions provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) shall apply to the exercise of authorities under this Act to the same extent as such exceptions apply to the exercise of authorities under that Act.

(c) DIPLOMATIC ACTIVITIES.— Nothing in this Act shall be construed to prohibit —

(1) Any transaction necessary for the conduct of the official business of the United States Government;

(2) Any transaction necessary for the conduct of the official business of a diplomatic or consular mission of Canada in the United States that is consistent with the international obligations of the United States;

(3) The payment of reasonable and necessary expenses associated with the departure of a diplomatic agent or family member from the United States; or

(4) The performance by the United States of any obligation under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Diplomatic Relations Act, or the United Nations Headquarters Agreement.

(d) INTELLIGENCE ACTIVITIES.— Nothing in this Act shall be construed to apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or to any authorized intelligence activity of the United States

SEC. 11. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.— The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this Act.

(b) PENALTIES.— A person that violates, attempts to violate, conspires to violate, or causes a violation of this Act or any regulation, license, order, directive, or prohibition issued to carry out this Act shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic

Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) ADMINISTRATIVE AUTHORITIES.— The President may—

(1) Issue such regulations, licenses, orders, and guidance as may be necessary to carry out this Act; and

(2) Delegate to the head of an appropriate Federal agency any authority necessary to carry out this Act.

(d) REGULATIONS.— Not later than 90 days after the date of enactment of this Act, the President shall prescribe regulations to carry out this Act.

SEC. 12. WAIVER.

(a) CASE-BY-CASE WAIVER.— The President may waive the application of a sanction under section 6, 7, or 8 with respect to a person or transaction if the President —

(1) Determines that the waiver—

(A) Is vital to the national security interests of the United States;

(B) Is necessary to address a humanitarian emergency;

(C) Will materially advance cooperation by Canada in preventing or mitigating transboundary wildfire smoke;

(D) Is necessary to protect public health or safety in the United States; and

(2) Submits to the appropriate congressional committees the notice described in subsection (b).

SEC. 13. PRESIDENTIAL CERTIFICATION AND TERMINATION OF SANCTIONS.

(a) CERTIFICATION.— The President may terminate the sanctions imposed under this Act if the President submits to the appropriate congressional committees a certification that —

(1) No material transboundary smoke event originating substantially in Canada has occurred during the preceding 90-day period —

(2) The Government of Canada has—

(A) Adopted and begun implementing a credible and adequately funded plan to prevent, mitigate, detect, contain, and suppress wildfires that may affect the United States;

(B) Established effective procedures for timely notification to the United States regarding wildfires and smoke conditions that may affect the United States;

(C) Provided the United States with access to sufficient data to verify the origin, severity, emissions, and expected movement of relevant wildfire smoke;

(D) Cooperated in good faith with appropriate Federal, State, local, and Tribal authorities; and

(E) Taken reasonable measures to remedy the acts or omissions that formed the basis of the affirmative determination under section 5(a).

(3) The measures described in paragraph (2) are reasonably likely to prevent or substantially reduce future material transboundary smoke events; and

(4) Termination of the sanctions is in the national interest of the United States.

(b) REIMPOSITION.— If, after sanctions are terminated under subsection (a), the President determines that—

(1) Another material transboundary smoke event originating substantially in Canada has occurred; and

(2) The Government of Canada has failed to take reasonable and effective measures to prevent, mitigate, contain, or respond to that event,

the President shall reimpose the sanctions required herein.

SEC. 14. RULE OF CONSTRUCTION.

(a) Nothing in this Act shall be construed—

(1) To limit the authority of the President under—

(A) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) The National Emergencies Act (50 U.S.C. 1601 et seq.);

(C) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

(D) Any other provision of law;

(2) To authorize military force against Canada or any other foreign country;

(3) To create a private right of action against the United States, the Government of Canada, or any other person;

(4) To require the blocking of property used exclusively for diplomatic or consular purposes if such blocking would be inconsistent with the international obligations of the United States; or

(5) To prohibit diplomatic negotiations, environmental cooperation, wildfire assistance, humanitarian assistance, or other engagement intended to secure compliance with the objectives of this Act.