

111TH CONGRESS  
1ST SESSION

# H. R. 4128

To improve transparency and reduce trade in conflict minerals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Mr. McDERMOTT (for himself, Mr. WOLF, Mr. FRANK of Massachusetts, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Armed Services, 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

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## A BILL

To improve transparency and reduce trade in conflict minerals, 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 “Conflict Minerals  
5 Trade Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The Democratic Republic of the Congo was  
2 devastated by a civil war in 1996 and 1997 and a  
3 war that began in 1998 and ended in 2003, which  
4 resulted in widespread human rights violations and  
5 the intervention of multiple armed forces and armed  
6 non-state actors from other countries in the region.

7           (2) Despite the signing of a peace agreement  
8 and subsequent withdrawal of foreign forces in  
9 2003, the eastern region of the Democratic Republic  
10 of the Congo has continued to suffer from high lev-  
11 els of poverty, insecurity, and a culture of impunity,  
12 in which armed groups and military forces continue  
13 to commit widespread human rights abuses.

14           (3) According to a study by the International  
15 Rescue Committee released in January 2008, con-  
16 flict and related humanitarian crisis in the Demo-  
17 cratic Republic of the Congo have resulted in the  
18 deaths of an estimated 5,400,000 people since 1998  
19 and continue to cause as many as 45,000 deaths  
20 each month.

21           (4) Sexual violence and rape remain pervasive  
22 tools of combat used by all parties in eastern region  
23 of the Democratic Republic of the Congo to terrorize  
24 and destroy communities. Sexual violence and rape  
25 affect hundreds of thousands of women and girls,

1 frequently resulting in traumatic fistula, other severe  
2 genital injuries, and long-term psychological trauma.

3 (5) The use of child soldiers on the front lines,  
4 as bonded labor, and as sex slaves is a widespread  
5 phenomenon among armed groups in the region.

6 (6) A report released by the Government Ac-  
7 countability Office in December 2007 describes how  
8 the mismanagement and illicit trade of extractive re-  
9 sources from the Democratic Republic of the Congo  
10 supports conflict between militias and armed domes-  
11 tic factions in neighboring countries.

12 (7) In its final report, released on December  
13 12, 2008, the United Nations Group of Experts on  
14 the Democratic Republic of the Congo found armed  
15 groups in the eastern region of the Democratic Re-  
16 public of the Congo continue to fight over, illegally  
17 plunder, and profit greatly from the trade of colum-  
18 bite-tantalite (coltan), cassiterite, wolframite, and  
19 gold in the eastern Congo.

20 (8) United Nations Security Council Resolution  
21 1857, unanimously adopted on December 22,  
22 2008—

23 (A) broadens existing sanctions relating to  
24 the Democratic Republic of the Congo to in-  
25 clude “individuals or entities supporting the

1 armed groups . . . through illicit trade of nat-  
2 ural resources,”; and

3 (B) encourages member countries to en-  
4 sure that companies handling minerals from the  
5 Democratic Republic of the Congo exercise due  
6 diligence on their suppliers, including—

7 (i) determining the precise identity of  
8 the deposits from which the minerals they  
9 intend to purchase have been mined;

10 (ii) establishing whether or not these  
11 deposits are controlled or taxed by armed  
12 groups; and

13 (iii) refusing to buy minerals known  
14 to originate, or suspected to originate,  
15 from deposits controlled or taxed by armed  
16 groups.

17 (9) The illicit trade by armed groups and mili-  
18 tias in eastern Congo in columbite-tantalite (coltan),  
19 cassiterite, wolframite, and gold continues to flour-  
20 ish, fuels war, robs the people of Congo of a valuable  
21 and legitimate resource, and undermines the peace-  
22 ful evolution of the Government of the Democratic  
23 Republic of the Congo.

24 (10) Mineral derivatives from the Democratic  
25 Republic of the Congo are used in industrial and

1 technology products worldwide, including mobile tele-  
2 phones, laptop computers, and digital video record-  
3 ers.

4 (11) In February 2009, the Electronic Industry  
5 Citizenship Coalition and the Global e-Sustainability  
6 Initiative released a statement asserting that—

7 (A) use by the information communications  
8 technology industry of mined commodities that  
9 support conflict in such countries as the Demo-  
10 cratic Republic of the Congo is unacceptable;  
11 and

12 (B) consumer electronics companies can  
13 and should uphold responsible practices in their  
14 operations and work with suppliers to meet so-  
15 cial and environmental standards with respect  
16 to the raw materials used in the manufacture of  
17 their products.

18 (12) Companies that create and sell products  
19 that include columbite-tantalite (coltan), cassiterite,  
20 wolframite, and their derivatives, and gold have the  
21 ability to influence the situation in the Democratic  
22 Republic of the Congo by—

23 (A) exercising due diligence over their  
24 manufacturing processes, ensuring they and

1           their suppliers use raw materials in a manner  
2           that does not—

3                     (i) directly finance armed conflict;

4                     (ii) result in labor or human rights  
5           violations; or

6                     (iii) damage the environment;

7                     (B) verifying the country and mine from  
8           which the minerals used to build their products  
9           originate; and

10                    (C) committing to support mineral export-  
11           ers from the Democratic Republic of the Congo  
12           that certify that their minerals do not—

13                     (i) directly finance armed conflict;

14                     (ii) result in labor or human rights  
15           violations; or

16                     (iii) damage the environment.

17                    (13) There are ample sources of columbite-tan-  
18           talite (coltan), cassiterite, and wolframite in non-  
19           conflict areas of the Congo and worldwide; proc-  
20           essing columbite-tantalite, cassiterite, and wolf-  
21           ramite for commercial use requires sophisticated  
22           technology; there are a limited number of processing  
23           facilities worldwide for columbite-tantalite, cas-  
24           siterite, wolframite, and their derivatives; and deter-  
25           mining the sources of columbite-tantalite, cassiterite,

1        wolframite, and their derivatives used by processing  
2        facilities has already been successfully done at low  
3        cost.

4            (14) Article XX of the General Agreement on  
5        Tariffs and Trade provides that nothing in such  
6        Agreement shall be construed to prevent the adop-  
7        tion or enforcement by any contracting party of  
8        measures necessary to protect public morals. As  
9        such, the United States has the right to restrict the  
10       importation of goods that are harmful to the life and  
11       health of miners and others in the Democratic Re-  
12       public of the Congo, including the importation of co-  
13       lumbite-tantalite (coltan), cassiterite, wolframite, or  
14       their derivatives.

15 **SEC. 3. STATEMENT OF POLICY.**

16        It is the policy of the United States, as affirmed by  
17        the Democratic Republic of the Congo Relief, Security,  
18        and Democracy Promotion Act of 2006 (Public Law 109–  
19        456; 22 U.S.C. 2151 note) and consistent with United Na-  
20        tions Security Council Resolution 1857 (2008), to promote  
21        peace and security in the eastern Democratic Republic of  
22        the Congo by supporting efforts of the Government of the  
23        Democratic Republic of the Congo, other governments in  
24        the Great Lakes Region of Africa, and the international  
25        community to—

1           (1) monitor and stop commercial activities in-  
2           volving the natural resources of the Democratic Re-  
3           public of the Congo that contribute to the activities  
4           of armed groups and human rights violations in the  
5           Democratic Republic of the Congo; and

6           (2) develop stronger governance and economic  
7           institutions that can facilitate and improve trans-  
8           parency in the cross-border trade involving the nat-  
9           ural resources of the Democratic Republic of the  
10          Congo in order to reduce exploitation by armed  
11          groups and promote local and regional development.

12 **SEC. 4. INVESTIGATION, REPORTS, AND STRATEGY RE-**  
13 **GARDING CONFLICT MINERALS AND HUMAN**  
14 **RIGHTS ABUSES IN THE DEMOCRATIC RE-**  
15 **PUBLIC OF THE CONGO.**

16          (a) CONGO CONFLICT MINERAL-RICH ZONES MAP,  
17 AND ARMED GROUPS.—

18           (1) IN GENERAL.—Not later than 120 days  
19           after the date of the enactment of this Act, the Sec-  
20           retary of State, in consultation with the Secretary of  
21           Defense, shall, in accordance with the recommenda-  
22           tion of the United Nations Group of Experts on the  
23           Democratic Republic of the Congo in their December  
24           2008 report, work with other member states of the



1 United Nations and local and international non-  
2 governmental organizations to—

3 (A) produce a map of mineral-rich zones  
4 and areas under the control of armed groups in  
5 the Democratic Republic of the Congo;

6 (B) make such map available to the public;  
7 and

8 (C) provide to the appropriate congres-  
9 sional committees, in classified form if nec-  
10 essary, an explanatory note describing in gen-  
11 eral terms the sources of information from  
12 which such map is based, the definition of the  
13 term “control of armed groups” utilized (for ex-  
14 ample, physical control of mines or forced labor  
15 of civilians, control of trade routes, and tax-  
16 ation or extortion of goods in transit), and the  
17 identification, where possible, of the armed  
18 groups or other forces in control of the mines  
19 depicted.

20 (2) DESIGNATION.—The map required under  
21 this subsection shall be known as the “Congo Con-  
22 flict Minerals Map”, and mines located in areas  
23 under the control of armed groups in the Democratic  
24 Republic of the Congo, as depicted on such Congo

1 Conflict Minerals Map, shall be known as “conflict  
2 zone mines”.

3 (3) UPDATES.—The Secretary of Defense, in  
4 consultation with the Secretary of State, shall up-  
5 date the map required under paragraph (1) not less  
6 frequently than once every 180 days until the Sec-  
7 retary of Defense certifies to Congress that no  
8 armed group that is a party to any ongoing armed  
9 conflict in the Democratic Republic of the Congo or  
10 any other country is involved in the mining, sale, or  
11 export of conflict minerals or gold, or the control  
12 thereof, or derives any benefits from such activities.

13 (4) PUBLICATION IN FEDERAL REGISTER.—The  
14 Secretary of State may add minerals to the list of  
15 conflict minerals. The Secretary shall publish in the  
16 Federal Register notice of intent to declare a min-  
17 eral as a conflict mineral not later than one year be-  
18 fore such declaration.

19 (b) GUIDANCE FOR COMMERCIAL ENTITIES.—

20 (1) IN GENERAL.—The Secretary of State and  
21 the Secretary of Commerce shall work with other  
22 member states of the United Nations, local and  
23 international nongovernmental organizations, and  
24 other interested parties to provide guidance to com-  
25 mercial entities seeking to exercise due diligence, in-

1 including documentation on the origin and chain of  
2 custody for their products, on their suppliers to en-  
3 sure that conflict minerals used in their products do  
4 not—

5 (A) directly finance armed conflict;

6 (B) result in labor or human rights viola-  
7 tions; or

8 (C) damage the environment.

9 (2) COOPERATION.—The Secretary of State and  
10 the Secretary of Commerce shall work with commer-  
11 cial entities and other interested parties to identify  
12 best practices and opportunities to improve trans-  
13 parency of the supply chains of such commercial en-  
14 tities engaged in commerce or trade with products  
15 that contain one or more derivatives of conflict min-  
16 erals.

17 (c) STRATEGY.—

18 (1) IN GENERAL.—Not later than 180 days  
19 after the date of the enactment of this Act, the Sec-  
20 retary of State shall, working with the Administrator  
21 of the United States Agency for International Devel-  
22 opment, submit to the appropriate congressional  
23 committees a strategy to address the linkages that  
24 exist between human rights abuses, armed groups,  
25 and the mining of conflict minerals.

1           (2) CONTENTS.—The strategy required by  
2 paragraph (1) shall include the following:

3           (A) A plan to assist governments plagued  
4 by conflict establishing and effectively imple-  
5 menting the necessary frameworks and institu-  
6 tions to formalize and improve transparency in  
7 the trade of conflict minerals.

8           (B) An outline of assistance currently  
9 being provided to the Democratic Republic of  
10 the Congo and an assessment of future assist-  
11 ance that could be provided by the Government  
12 of the United States to help the Democratic Re-  
13 public of the Congo to strengthen the manage-  
14 ment and export of natural resources.

15           (C) A description of punitive measures  
16 that could be taken against individuals or enti-  
17 ties whose commercial activities are supporting  
18 armed groups and human rights violations in  
19 the Democratic Republic of the Congo.

20           (d) ANNUAL HUMAN RIGHTS REPORTS.—In pre-  
21 paring those portions of the annual Country Reports on  
22 Human Rights Practices under sections 116(d) and  
23 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C.  
24 2151n(d) and 2304(b)) relating to the Democratic Repub-  
25 lic of the Congo or countries that share a border with the

1 Democratic Republic of the Congo, the Secretary of State  
2 shall ensure that such reports include a description of any  
3 instances or patterns of practice that indicate that the ex-  
4 traction and cross-border trade in conflict minerals has  
5 negatively affected human rights conditions or supported  
6 specific human rights violations, sexual or gender-based  
7 violence, or labor abuses in the eastern region of the  
8 Democratic Republic of the Congo, during the period cov-  
9 ered by each such report.

10 (e) ANNUAL ORGANIZATION FOR ECONOMIC CO-OP-  
11 ERATION AND DEVELOPMENT INVESTMENT COMMITTEE  
12 REPORT.—In preparing the United States’ annual report  
13 to the Organization for Economic Co-operation and Devel-  
14 opment Investment Committee, the Secretary of State  
15 shall include a description of efforts by the United States  
16 to ensure, consistent with the Organization for Economic  
17 Co-operation and Development Guidelines for Multi-  
18 national Enterprises, that enterprises under United States  
19 jurisdiction are exercising due diligence to ensure that  
20 their purchases of minerals or metals are not originating  
21 from mines and trading routes that are used to finance  
22 or benefit armed groups in the Democratic Republic of  
23 the Congo.

24 (f) SUPPORT OF MANDATE OF UNITED NATIONS  
25 GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF

1 THE CONGO.—The President, acting through the Sec-  
2 retary of State, the United States Permanent Representa-  
3 tive to the United Nations, and other appropriate United  
4 States Government officials, shall use the voice and vote  
5 of the United States at the United Nations Security Coun-  
6 cil to renew the mandate and strengthen the capacity of  
7 the United Nations Group of Experts on the Democratic  
8 Republic of the Congo to investigate links between natural  
9 resources and the financing of armed groups, and ensure  
10 that the Group of Experts' recommendations are given se-  
11 rious consideration.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Secretary of State  
14 for fiscal year 2010 and each subsequent fiscal year for  
15 which the Secretary certifies to the appropriate congres-  
16 sional committees that a state of war is expected to con-  
17 tinue to exist in the Democratic Republic of the Congo  
18 such sums as may be necessary to carry out this section.

19 **SEC. 5. SENSE OF CONGRESS ON ASSISTANCE FOR AF-**  
20 **FECTED COMMUNITIES AND SUSTAINABLE**  
21 **LIVELIHOODS.**

22 (a) SENSE OF CONGRESS ON ASSISTANCE FOR AF-  
23 FECTED COMMUNITIES.—It is the sense of Congress that  
24 the Administrator of the United States Agency for Inter-  
25 national Development should expand and better coordinate

1 programs to assist and empower communities in the east-  
2 ern Democratic Republic of the Congo whose livelihoods  
3 depend on the mineral trade, particularly—

4 (1) communities affected by sexual and gender  
5 based violence;

6 (2) communities affected by use of child sol-  
7 diers and forced child servitude; and

8 (3) individuals displaced and communities af-  
9 fected by violence.

10 (b) SENSE OF CONGRESS ON FUTURE YEAR FUND-  
11 ING.—It is the sense of Congress that the Secretary of  
12 State and the Administrator of the United States Agency  
13 for International Development should work with the Com-  
14 mittee on Foreign Affairs and the Committee on Appro-  
15 priations of the House of Representatives and the Com-  
16 mittee on Foreign Relations and the Committee on Appro-  
17 priations of the Senate to increase assistance beginning  
18 in fiscal year 2010 for communities affected by violence  
19 in the Democratic Republic of the Congo, specifically to—

20 (1) provide medical treatment, psychological  
21 support, and rehabilitation assistance for survivors  
22 of sexual and gender-based violence;

23 (2) provide humanitarian relief and basic serv-  
24 ices to people displaced by violence;

1           (3) improve living conditions and livelihood  
2           prospects for artisanal miners and mine workers;  
3           and

4           (4) alleviate poverty by reconstructing infra-  
5           structure and revitalizing agricultural production.

6           (c) SENSE OF CONGRESS ON COORDINATION OF AS-  
7           SISTANCE.—It is the sense of Congress that the United  
8           States should work with other countries, on a bilateral and  
9           multilateral basis to—

10           (1) increase protection and services for commu-  
11           nities in the eastern Democratic Republic of the  
12           Congo at risk of human rights violations associated  
13           with the mineral trade, particularly women and girls;

14           (2) strengthen the management and trade of  
15           natural resources in the Democratic Republic of the  
16           Congo; and

17           (3) improve the conditions and livelihood pros-  
18           pects of artisan miners and mine workers.

19           **SEC. 6. IDENTIFICATION OF COMMERCIAL GOODS CON-**  
20           **TAINING CONFLICT MINERALS.**

21           (a) LIST OF GOODS CONTAINING CONFLICT MIN-  
22           ERALS.—Not later than 180 days after the date of the  
23           enactment of this Act and annually thereafter, the Sec-  
24           retary of Commerce, in cooperation with the Secretary of  
25           State, the International Trade Commission, and the Com-



1 missioner responsible for U.S. Customs and Border Pro-  
2 tection, shall determine and publish in the Federal Reg-  
3 ister a list of those articles specified in the Harmonized  
4 Tariff Schedule of the United States that should be identi-  
5 fied as likely containing conflict minerals. Such list shall  
6 be referred to as the “Potential Conflict Goods List”.

7 (b) CREATING LIST OF APPROVED AUDITORS.—

8 (1) IN GENERAL.—Not later than one year  
9 after the date of the enactment of this Act and an-  
10 nually thereafter, the Secretary of Commerce, in co-  
11 operation with the Secretary of State, the Inter-  
12 national Trade Commission, and in consultation with  
13 nongovernmental organizations and manufacturing  
14 industry representatives, shall determine and publish  
15 in the Federal Register a list which contains a suffi-  
16 cient number of approved private sector auditing  
17 services qualified to audit the processing facilities  
18 worldwide of conflict minerals.

19 (2) UPDATE.—The Secretary of Commerce  
20 shall update the list required under paragraph (1)  
21 not less than once every 12 months and publish in  
22 the Federal Register the updated list. The Secretary  
23 of State shall work with and encourage relevant for-  
24 eign governments to issue visas for auditors who are  
25 United States citizens for purposes of travel relating

1 to auditing of processing facilities described in para-  
2 graph (1).

3 (c) REGULAR AUDITING OF FACILITIES FOR USE OF  
4 CONFLICT MINERALS.—

5 (1) IN GENERAL.—The Secretary of Commerce  
6 shall seek to ensure that facilities that process con-  
7 flict minerals and whose resulting materials are used  
8 in products shipped into the United States subject  
9 themselves to random audits not less than every four  
10 months by private sector auditing services approved  
11 by the Secretary pursuant to subsection (b) to cer-  
12 tify each such processing facility as either “conflict  
13 mineral free” or a “conflict mineral facility”. A  
14 processing facility certified as a “conflict mineral fa-  
15 cility” is a facility that processes one or more con-  
16 flict minerals. A processing facility certified as “con-  
17 flict mineral free” is a facility that has not processed  
18 conflict minerals in the previous 4 months or since  
19 the previous audit.

20 (2) AUDIT REPORTS.—

21 (A) IN GENERAL.—The Secretary of Com-  
22 merce shall seek to ensure that private sector  
23 auditing services approved by the Secretary  
24 pursuant to subsection (b) submit to the Sec-  
25 retary reports on the audits conducted by such

1 services for those facilities that are audited pur-  
2 suant to paragraph (1).

3 (B) CONTENTS.—The reports referred to  
4 in subparagraph (A) shall contain the following:

5 (i) The name and location of the proc-  
6 essing facility audited.

7 (ii) The relevant minerals being proc-  
8 essed at the facility.

9 (iii) The date of the audit and the pe-  
10 riod covered by the audit.

11 (iv) The date of notification of an im-  
12 pending audit.

13 (v) The country of origin of minerals  
14 purchased and processed, including local  
15 areas or specific mines of origin in the  
16 Democratic Republic of the Congo from  
17 which minerals were sourced.

18 (vi) A determination as to whether  
19 there were any minerals processed for  
20 which there is not a credibly documented  
21 and verifiable chain of custody.

22 (vii) A declaration of the facility as  
23 one that is a “Conflict Mineral Facility” or  
24 is “Conflict Mineral Free” for the period  
25 covered by each such report.

1           (3) PUBLICATION IN FEDERAL REGISTER.—The  
2       Secretary of Commerce shall publish in the Federal  
3       Register the reports of private sector auditing serv-  
4       ices pursuant to paragraph (2) for those facilities  
5       that are audited pursuant to paragraph (1), includ-  
6       ing—

7           (A) whether any such facility has been cer-  
8       tified as “conflict mineral free” or a “conflict  
9       mineral facility”; and

10          (B) if such service determines that the fa-  
11       cility is a “conflict mineral facility”, the mine  
12       or local area of origin of the conflict minerals  
13       likely to have financed conflict in the Demo-  
14       cratic Republic of the Congo.

15          (4) ADDITIONAL AUDITS.—Processing facilities  
16       worldwide of conflict minerals may request addi-  
17       tional audits from private sector auditing services  
18       approved by the Secretary pursuant to subsection  
19       (b). Any such additional audits shall be non-binding  
20       and may remain private.

21          (d) AUDITING PROTOCOL AND CONTENTS.—

22           (1) IN GENERAL.—The Secretary of Commerce  
23       shall seek to ensure that, in carrying out audits in  
24       accordance with subsection (c) by private sector au-  
25       diting services approved by the Secretary pursuant

1 to subsection (b), such services follow an audit pro-  
2 tocol that includes the following:

3 (A) Determination of the mines of origin  
4 of processed materials.

5 (B) Verification of the chain of custody of  
6 minerals obtained and processed during the pre-  
7 ceding four months, to verify whether revenues  
8 from possession, sale, or taxation of conflict  
9 minerals are flowing to parties financing con-  
10 flict in the Democratic Republic of the Congo.

11 (C) Investigation of mineral sourcing and  
12 chain of custody in the Democratic Republic of  
13 the Congo and other countries, as necessary,  
14 to verify the information provided by suppliers.

15 (2) TIMING OF AUDITS.—Audits shall be ran-  
16 domly timed, but not without notice, in recognition  
17 of the rights of processing facilities worldwide and  
18 the sovereignty of the country in which they are lo-  
19 cated of conflict minerals.

20 **SEC. 7. REQUIREMENTS RELATING TO IMPORTATION OF**  
21 **ARTICLES CONTAINING CONFLICT MIN-**  
22 **ERALS.**

23 (a) DECLARATION OF CERTAIN ARTICLES.—

24 (1) IN GENERAL.—Beginning on the date that  
25 is one year after the date of publication in the Fed-

1       eral Register of the initial list of approved private  
2       sector auditing services under section 6(b)(1) or two  
3       years after the date of the enactment of this Act,  
4       whichever occurs later, importers that import arti-  
5       cles specified in the Harmonized Tariff Schedule of  
6       the United States that are identified pursuant to  
7       section 6(a) as included on the Potential Conflict  
8       Goods List shall certify on the importer’s Customs  
9       declaration that such articles “contain conflict min-  
10      erals” or are “conflict mineral free” in accordance  
11      with section 6(c). Articles that contain components  
12      using conflict minerals from a facility audited and  
13      certified by an auditor on the list referred to in sub-  
14      section 6(b) as—

15                (A) “conflict mineral free” shall be des-  
16                ignated as “conflict mineral free”; and

17                (B) a “conflict mineral facility” shall be  
18                designated as “contains conflict minerals”.

19                (2) SPECIAL RULES.—For the purposes of this  
20      Act—

21                (A) recycled derivatives of conflict minerals  
22                shall be considered “conflict mineral free”; and

23                (B) articles that contain only components  
24                sourced from processing facilities that are “con-

1           flict mineral free” may be labeled “conflict min-  
2           eral free”.

3           (b) PROHIBITION ON IMPORTATION OF CERTAIN AR-  
4   TICLES.—Unrefined conflict minerals, not including their  
5   derivatives from a conflict zone mine that is in raw or  
6   unrefined form for any commercial purpose may not be  
7   imported into the United States. Beginning on the date  
8   that is two years after the date of the enactment of this  
9   Act, articles made wholly or in part with components con-  
10   taining conflict minerals from facilities that have not been  
11   audited in accordance with section 6(c) may not be im-  
12   ported into the United States.

13          (c) EXEMPTION.—The President may exempt articles  
14   from inclusion on Potential Conflict Goods List and pub-  
15   lish notice to this effect in the Federal Register, if the  
16   President—

17           (1) determines that such an exemption is in the  
18   national security interest of the United States and  
19   includes the reasons therefor; and

20           (2) establishes a date, not later than two years  
21   after the initial publication of such exemption, on  
22   which such exemption shall expire.

1 **SEC. 8. REPORT BY UNITED STATES TRADE REPRESENTA-**  
2 **TIVE.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 implementation of the requirements of sections 6 and 7  
5 and every 180 days thereafter, the United States Trade  
6 Representative, in consultation with the Commissioner re-  
7 sponsible for U.S. Customs and Border Protection, shall  
8 publish in the Federal Register a list of those importers  
9 that have imported into the United States articles that  
10 “contain conflict minerals” in the preceding 180-day pe-  
11 riod.

12 (b) MATTERS TO BE INCLUDED.—Each report re-  
13 quired under subsection (a) shall, with respect to each im-  
14 porter identified under subsection (a), include the fol-  
15 lowing information irrespective of whether any party to  
16 the importation has requested confidentiality: the carrier  
17 code, vessel country code, vessel name, voyage number,  
18 district/port of unloading, estimated arrival date, bill of lad-  
19 ing number, foreign port of lading, manifest quantity,  
20 manifest units, weight, weight unit, shipper name, shipper  
21 address, consignee name, consignee address, notify party  
22 name, notify party address, piece count, description of  
23 goods, brand, manufacturing company, container number,  
24 and seal number.



1 **SEC. 9. PENALTIES.**

2 (a) PENALTIES RELATING TO CONFLICT MIN-  
3 ERALS.—If any person, by fraud, gross negligence, or neg-  
4 ligence, enters, introduces, or attempts to enter or intro-  
5 duce any good that contains one or more conflict minerals  
6 (as such term is defined in section 11) into the territory  
7 of the United States by means of inaccurate information  
8 with respect to the imported good, such person shall be  
9 subject to penalties pursuant to section 592 of the Tariff  
10 Act of 1930 (19 U.S.C. 1592).

11 (b) PUBLICATION IN THE FEDERAL REGISTER.—The  
12 Commissioner responsible for U.S. Customs and Border  
13 Protection and the Secretary of Commerce shall publish  
14 in the Federal Register in a timely manner a list of all  
15 penalties imposed under subsection (a).

16 **SEC. 10. REPORTS BY GOVERNMENT ACCOUNTABILITY OF-**  
17 **FICE.**

18 (a) INITIAL REPORT.—Not later than 36 months  
19 after the date of the enactment of this Act and annually  
20 thereafter, the Comptroller General of the United States  
21 shall submit to Congress a report that includes the fol-  
22 lowing:

23 (1) An assessment of the accuracy of the ap-  
24 proved private sector auditing services under section  
25 6.

1           (2) Recommendations for such auditing services  
2           to—

3                   (A) improve the accuracy of such auditing  
4           services; and

5                   (B) establish standards of best practices.

6           (b) FOLLOW-UP REPORTS.—Not later than 36  
7           months after the date of the enactment of this Act and  
8           annually thereafter, the Comptroller General of the United  
9           States shall submit to Congress a report that includes the  
10          following:

11                   (1) An assessment of the effectiveness of the  
12          provisions of this Act.

13                   (2) A description of the problems, if any, en-  
14          countered by the Department of Commerce, the De-  
15          partment of State, the Office of the United States  
16          Trade Representative, U.S. Customs and Border  
17          Protection, and the Administrator of the United  
18          States Agency for International Development in car-  
19          rying out the provisions of this Act.

20                   (3) A description of the adverse impacts of car-  
21          rying out the provisions of this Act, if any, on coun-  
22          tries with columbite-tantalite (coltan), cassiterite,  
23          wolframite, or their derivatives, and in particular,  
24          communities in the eastern Democratic Republic of  
25          the Congo.

1           (4) Recommendations for legislative or regu-  
2 latory actions that can be taken to—

3           (A) improve the effectiveness of the provi-  
4 sions of this Act to promote peace and security  
5 in accordance with section 3;

6           (B) resolve the problems described in para-  
7 graph (2), if any; and

8           (C) mitigate the adverse impacts described  
9 in paragraph (3), if any.

10 **SEC. 11. DEFINITIONS.**

11       In this Act:

12           (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
13 **TEES.**—The term “appropriate congressional com-  
14 mittees” means—

15           (A) the Committee on Appropriations, the  
16 Committee on Foreign Affairs, the Committee  
17 on Ways and Means, and the Committee on Fi-  
18 nancial Services of the House of Representa-  
19 tives; and

20           (B) the Committee on Appropriations, the  
21 Committee on Foreign Relations, the Com-  
22 mittee on Finance, and the Committee on  
23 Banking, Housing, and Urban Affairs of the  
24 Senate.

1           (2) ARMED GROUP.—The term “armed group”  
2 means armed groups identified as perpetrators of se-  
3 rious human rights abuses in the annual Country  
4 Reports on Human Rights Practices under sections  
5 116(d) and 502B(b) of the Foreign Assistance Act  
6 of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating  
7 to the Democratic Republic of the Congo or coun-  
8 tries that share a border with the Democratic Re-  
9 public of the Congo.

10           (3) CONFLICT MINERALS.—The term “conflict  
11 minerals” means columbite-tantalite (coltan), cas-  
12 siterite, wolframite, or their derivatives, or any other  
13 mineral determined by the Secretary of State to be  
14 financing conflict in the Democratic Republic of the  
15 Congo.

16           (4) UNITED STATES.—The term “United  
17 States” means the customs territory of the United  
18 States, as defined in general note 2 of the Har-  
19 monized Tariff Schedule of the United States.

20 **SEC. 12. SUNSET.**

21           This Act shall expire on the date on which the Presi-  
22 dent determines and certifies to the appropriate congres-  
23 sional committees, but in no case earlier than the date  
24 that is one day after end of the 2-year period beginning  
25 on the date of the enactment of this Act, that—

1           (1) no armed group is a party to any ongoing  
2           armed conflict in the Democratic Republic of the  
3           Congo and is involved in the mining, sale, or export  
4           of one or more conflict minerals; or

5           (2) a regional framework has been established  
6           and effectively implemented to monitor and regulate  
7           trade and commerce in conflict minerals so that such  
8           activities do not benefit armed groups in the Demo-  
9           cratic Republic of the Congo.

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