

117TH CONGRESS
1ST SESSION

H. R. 5088

To prohibit the importation into, or transit through, the United States of any mineral, or product produced with minerals, from Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2021

Mr. GOSAR (for himself, Mr. STAUBER, and Mr. WESTERMAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, 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 prohibit the importation into, or transit through, the United States of any mineral, or product produced with minerals, from Afghanistan, 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 “Stopping Terrorist
5 Minerals Trade Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Funds derived from the sale of minerals in
2 Afghanistan will be used by the Taliban and its al-
3 lies to finance terrorist and military activities, over-
4 throw legitimate governments, subvert international
5 efforts to promote peace and stability, and commit
6 horrifying atrocities against unarmed civilians.

7 (2) The United States spent 20 years and two
8 trillion dollars to attempt to bring peace and inter-
9 national comity to Afghanistan, only to see the
10 Taliban supported by other international actors
11 overthrow the legal government in a matter of hours.

12 (3) The United States spent tens of millions of
13 dollars funding critical mineral surveys and mineral
14 exploration to help build an alternative economy for
15 the legitimate peaceful Government of Afghanistan
16 and that data has now fallen into the hands of the
17 Taliban and its allies.

18 (4) Prohibiting the Taliban and its allies from
19 profiting from the use of these mineral resources will
20 ensure that threats to international peace and secu-
21 rity posed by the Taliban will not be funded with
22 these minerals.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) MINERAL.—The term “mineral” means any
2 mined material.

3 (2) UNITED STATES.—The term “United
4 States”, when used in the geographic sense, means
5 the several States, the District of Columbia, and any
6 commonwealth, territory, or possession of the United
7 States.

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

10 (A) any United States citizen or any alien
11 admitted for permanent residence into the
12 United States;

13 (B) any entity organized under the laws of
14 the United States or any jurisdiction within the
15 United States (including its foreign branches);
16 and

17 (C) any person in the United States.

18 **SEC. 4. MEASURES TO PROHIBIT THE IMPORTATION INTO,**
19 **OR TRANSIT THROUGH, THE UNITED STATES**
20 **OF MINERALS AND PRODUCTS PRODUCED**
21 **WITH MINERALS FROM AFGHANISTAN.**

22 (a) PROHIBITION.—The President shall prohibit the
23 importation into, or transit through, the United States of
24 any mineral, or product produced with minerals, from Af-
25 ghanistan.

1 (b) WAIVER.—The President may waive the require-
2 ments set forth in subsection (a) with respect to the im-
3 portation of any mineral, or product produced with min-
4 erals, from Afghanistan for periods of not more than 1
5 year each, if, with respect to each such waiver the Presi-
6 dent determines and reports to the appropriate congres-
7 sional committees that—

8 (1) such mineral was mined, or such product
9 was produced, prior to August 16, 2021;

10 (2) the waiver is in the national interests of the
11 United States, together with the reasons therefor; or

12 (3) a fair, free, and democratic government has
13 control of Afghanistan and is not funding, sup-
14 porting, or engaging in global terrorism.

15 (c) MEASURES TO PREVENT CIRCUMVENTION.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, and
18 semi-annually thereafter, the President shall develop
19 and maintain a list of countries engaged in the trade
20 of minerals with Afghanistan.

21 (2) RECORDKEEPING.—Any United States per-
22 son seeking to import into the United States any
23 mineral, or product produced with minerals, from a
24 country on the list of countries required under para-
25 graph (1) shall keep a full record of, in the form of

1 reports, blockchain, or otherwise, complete informa-
2 tion relating to the mineral, or product produced
3 with minerals, including source, volume, and nation
4 of origin. The President may require such person to
5 furnish such information under oath, including the
6 production of books of account, records, contracts,
7 letters, memoranda, or other papers, in the custody
8 or control of such person.

9 (3) OVERSIGHT.—The President shall require
10 the heads of appropriate Federal departments and
11 agencies to conduct annual reviews of the standards,
12 practices, and procedures of United States persons
13 seeking to import into the United States any min-
14 eral, or product produced with minerals, from a
15 country on the list of countries required under para-
16 graph (1) to determine whether such standards,
17 practices, and procedures are in accordance with the
18 prohibition on the importation into, or transit
19 through, the United States of any mineral, or prod-
20 uct produced with minerals, from Afghanistan re-
21 quired under subsection (a).

22 **SEC. 5. STATEMENT OF POLICY.**

23 It is the policy of the United States to promote and
24 facilitate the adoption by the international community of
25 measures similar to the measures to prohibit the importa-

tion into, or transit through, the United States of minerals and products produced with minerals from Afghanistan as described in section 4 in order to prevent the funding of terrorist activities by the Taliban.

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed \$10,000,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than \$50,000,000, or, if a natural person, may be imprisoned for not more than 10 years, or both, and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with

1 respect to any mineral, or product produced with minerals,
2 imported in violation of this Act.

3 **SEC. 7. TECHNICAL ASSISTANCE.**

4 The President may direct the appropriate depart-
5 ments and agencies of the United States Government to
6 make available technical assistance to countries seeking to
7 track, monitor, or enforce the requirements of the Act.

8 **SEC. 8. OVERSIGHT COORDINATING COMMITTEE.**

9 (a) IN GENERAL.—The President shall establish an
10 Oversight Coordinating Committee to coordinate the im-
11 plementation of this Act.

12 (b) MEMBERSHIP.—The Committee shall be com-
13 posed of the following individuals or their designees:

14 (1) The Secretary of the Treasury and the Sec-
15 retary of State, who shall be co-chairpersons.

16 (2) The Secretary of Commerce.

17 (3) The Secretary of Defense.

18 (4) The United States Trade Representative.

19 (5) The Secretary of Homeland Security.

20 (6) A representative of any other agency the
21 President deems appropriate.

22 **SEC. 9. REPORT.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, and every 12 months
25 thereafter for such period as this Act is in effect, the

1 President shall transmit to the Congress a report on the
2 implementation of this Act.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired by subsection (a) shall include the following:

5 (1) An identification of countries on the list of
6 countries required by section 4(c)(1) and description
7 of actions taken by such countries with respect to
8 the trade of minerals with Afghanistan and potential
9 uses of products produced with minerals from Af-
10 ghanistan.

11 (2) A description of whether there is statistical
12 information or other evidence to indicate efforts to
13 circumvent the prohibition on the importation into,
14 or transit through, the United States of any mineral,
15 or product produced with minerals, from Afghani-
16 stan under section 4(a).

17 (3) An identification of any problems or obsta-
18 cles encountered in the implementation of this Act.

19 **SEC. 10. GAO REPORT.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of the enactment of this Act, the Comptroller General
22 of the United States shall submit to the Congress a report
23 on the effectiveness of the provisions of this Act in pre-
24 venting the importation of minerals or products produced
25 with minerals from Afghanistan.

1 (b) MATTERS TO BE INCLUDED.—The Comptroller
2 General shall include in the report any recommendations
3 on any modifications to this Act that may be necessary.

4 **SEC. 11. REGULATORY AND OTHER AUTHORITIES; DELEGA-**
5 **TION OF AUTHORITIES.**

6 (a) REGULATORY AND OTHER AUTHORITIES.—The
7 President is authorized to and shall issue such proclama-
8 tions, regulations, licenses, and orders, and conduct such
9 investigations, as may be necessary to carry out this Act.

10 (b) DELEGATION OF AUTHORITIES.—The President
11 may delegate the duties and authorities under this Act to
12 such officers, officials, departments, or agencies of the
13 United States Government as the President deems appro-
14 priate.

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