

107TH CONGRESS
1ST SESSION

H. R. 2954

To prohibit the importation into the United States of colombo tantalite from certain countries involved in the conflict in the Democratic Republic of the Congo, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2001

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on International Relations, 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 the United States of colombo tantalite from certain countries involved in the conflict in the Democratic Republic of the Congo, 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. FINDINGS.**

4 Congress finds the following:

5 (1) A war has been ongoing in the eastern re-
6 gion of the Democratic Republic of the Congo (in
7 this section referred to as the “DRC”), with reports

1 that as many as 2,500,000 people have died as a re-
2 sult of the conflict.

3 (2) The war is a result of the August 1998 in-
4 vasion of the DRC by Rwanda, Uganda, and Bu-
5 rundi.

6 (3) After the invasion, additional loss of life
7 and misery were caused to the people of the DRC
8 when, on occasion, the forces of Uganda and Rwan-
9 da fought against each other.

10 (4) A staff member of the United Nations was
11 murdered while visiting the region for the purpose of
12 studying the damage done to the DRC by Uganda
13 and Rwanda.

14 (5) Human rights abuses stemming from this
15 conflict include child and forced labor, mass dis-
16 placement causing large refugee populations, rape,
17 conscription, arbitrary detention, torture, and bans
18 on political expression and freedom of speech.

19 (6) A recent United Nations report, entitled
20 “Report of the Panel of Experts on the Illegal Ex-
21 ploitation of Natural Resources and Other Forms of
22 Wealth of the Democratic Republic of Congo”, found
23 that “Illegal exploitation of the mineral and forest
24 resources of the Democratic Republic of the Congo
25 is taking place at an alarming rate.”.

1 (7) The United Nations report states that re-
2 sources being looted from the DRC include dia-
3 monds, gold, timber, cobalt, coltan (colombo tanta-
4 lite), coffee, ivory, other minerals, and exotic ani-
5 mals.

6 (8) The United Nations report, in addition to
7 numerous press and eyewitness reports, cites the
8 use, by Rwandans and Rwandan-supported rebels, of
9 slave and prison labor in the mining and extraction
10 of coltan, diamonds, and other minerals.

11 (9) According to the World Conservation Union,
12 “coltan mining is taking place in [two] World Herit-
13 age sites” in the DRC, Kahuzi-Biega National Park
14 and Okapi Wildlife Reserve, in contravention of
15 DRC protective restrictions. The World Conservation
16 Union further states that “over 10,000 miners have
17 moved into the Parks and are largely relying on
18 meat from wild animals (bushmeat) for food”, in-
19 cluding the endangered eastern lowland gorilla.

20 (10) According to the United States Geological
21 Survey 1999 Minerals Yearbook, 3 of the top 6 na-
22 tions from which the United States imports
23 unrefined tantalum—a component of coltan—are the
24 DRC, Rwanda, and Uganda, providing for nearly

1 \$4,000,000 in revenue to those nations in 1999, and
2 totaling imports of 164 metric tons.

3 (11) As miners have pushed into the forests of
4 the DRC in pursuit of coltan, gold, and other min-
5 erals, increased logging has resulted on account of
6 greater access to forest resources and rare woods
7 and has reduced the opportunity for oversight of ille-
8 gal activities.

9 (12) The United Nations Report of the Panel
10 of Experts found that one result of the illegal exploi-
11 tation of the DRC was a “massive availability of fi-
12 nancial resources for the Rwandan Patriotic Army,
13 and the individual enrichment of top Ugandan mili-
14 tary commanders and civilians”, thereby not only al-
15 lowing the infiltrating nations to continue their
16 armed incursions, but also providing substantial mo-
17 tivation to pursue such conflict.

18 (13) The United Nations Panel concluded that
19 “tough measures must be taken to bring an end to
20 the cycle of exploitation of the natural resources and
21 the continuation of the conflict in the Democratic
22 Republic of Congo”, including sanctions against the
23 countries involved in the illegal activities, preventive
24 measures to avoid a recurrence of the situation, and

1 an improvement of international mechanisms and
2 regulations governing some natural resources.

3 (14) Some United States corporations that
4 process and use tantalum for manufacture, including
5 Kemet of Greenville, South Carolina, and Cabot Cor-
6 poration of Boston, Massachusetts, have asked tan-
7 talum suppliers to certify that the mineral does not
8 originate in the Congo region; if they do not, the
9 corporations have said that they will not buy any
10 tantalum from the region.

11 **SEC. 2. PROHIBITION ON IMPORTATION OF COLOMBO TAN-**
12 **TALITE AND TANTALUM.**

13 (a) COLOMBO TANTALITE FROM CERTAIN COUN-
14 TRIES.—Colombo tantalite (“coltan”) that is the product
15 of Rwanda, Uganda, Burundi, or the Democratic Republic
16 of the Congo may not be imported into the United States.

17 (b) TANTALUM, TANTALUM ORE, AND TANTALUM
18 POWDER.—Tantalum, tantalum ore, and tantalum powder
19 may not be imported into the United States unless the
20 importer can demonstrate to the Customs Service that the
21 tantalum, tantalum ore, or tantalum powder (as the case
22 may be) is not produced from colombo tantalite that is
23 a product of a country listed in subsection (a).

1 **SEC. 3. PROHIBITION ON PURCHASE OVERSEAS OF**
2 **COLOMBO TANTALITE AND TANTALUM.**

3 (a) PROHIBITION.—No United States person may
4 purchase outside the United States colombo tantalite, tan-
5 talum, tantalum ore, or tantalum powder that is a product
6 of a country listed in section 2(a).

7 (b) CIVIL PENALTY.—The Secretary of the Treasury
8 may impose a civil penalty of not more than \$100,000 on
9 any United States person who knowingly violates sub-
10 section (a).

11 (c) DEFINITION.—In this section, the term “United
12 States person” means—

13 (1) a United States citizen or alien admitted for
14 permanent residence into the United States;

15 (2) a partnership, corporation, or other legal
16 entity organized under the laws of the United
17 States; and

18 (3) a partnership, corporation, or other legal
19 entity that is organized under the laws of a foreign
20 country and is controlled by entities described in
21 paragraph (2) or United States citizens, or both.

22 **SEC. 4. PREVENTION OF TRANSSHIPMENT.**

23 The Commissioner of Customs, in consultation with
24 the heads of appropriate departments and agencies, shall,
25 to the extent possible, determine the origins of all colombo
26 tantalite, tantalum, tantalum ore, and tantalum powder

1 in order to prevent the transshipment of colombo tantalite,
2 tantalum, tantalum ore, and tantalum powder that is a
3 product of a country listed in section 2(a) through another
4 country for the purpose of evading the prohibition con-
5 tained in section 2(a).

6 **SEC. 5. TERMINATION OF PROHIBITIONS.**

7 The prohibitions contained in sections 2 and 3(a)
8 shall cease to be effective with respect to a country listed
9 in section 2(a) on the date on which the President certifies
10 to the Congress that the country has withdrawn from the
11 conflict in the Democratic Republic of the Congo and that
12 country is abiding by the Ceasefire Agreement of July 10,
13 1999 (known as the “Lusaka Accord”).

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