

110TH CONGRESS
2D SESSION

S. 3058

To prohibit the importation of certain products that contain or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2008

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

A BILL

To prohibit the importation of certain products that contain or are derived from columbite-tantalite or cassiterite mined or extracted 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. SHORT TITLE.**

4 This Act may be cited as the “Conflict Coltan and
5 Cassiterite Act of 2008”.

1 **SEC. 2. IDENTIFICATION OF GROUPS THAT COMMIT CER-**
2 **TAIN VIOLATIONS OF INTERNATIONAL LAW.**

3 (a) IN GENERAL.—Not later than 45 days after the
4 date of the enactment of this Act, the President shall de-
5 velop and submit to Congress a list of groups in the Demo-
6 cratic Republic of the Congo, including units of the army
7 of the Democratic Republic of the Congo, that—

8 (1) commit serious violations of human rights;

9 (2) commit violations of international humani-
10 tarian law; or

11 (3) commit crimes under international law.

12 (b) UPDATES.—The President shall update the list
13 required by subsection (a) not less frequently than once
14 each year.

15 **SEC. 3. PROHIBITION ON IMPORTS OF CERTAIN MINERALS**
16 **FROM THE DEMOCRATIC REPUBLIC OF THE**
17 **CONGO.**

18 (a) PROHIBITION.—Notwithstanding any other provi-
19 sion of law, until the President makes the certification de-
20 scribed in subsection (c), no products may be imported
21 into the United States—

22 (1) that contain or are derived from columbite-
23 tantalite or cassiterite that is extracted, mined, or
24 otherwise produced in the Democratic Republic of
25 the Congo; and

1 (2) the extraction, mining, or production of
 2 which benefits a group on the list developed under
 3 section 2(a).

4 (b) BENEFIT DEFINED.—For purposes of subsection
 5 (a), the extraction, mining, or production of columbite-
 6 tantalite or cassiterite benefits a group on the list devel-
 7 oped under section 2(a) if the sale of the columbite-tanta-
 8 lite or cassiterite, as the case may be, results in arms or
 9 money being transferred directly or indirectly to the
 10 group.

11 (c) CERTIFICATION.—The prohibition described in
 12 subsection (a) shall terminate on the date that is 45 days
 13 after the date on which the President certifies to Congress
 14 that the violations of human rights, violations of inter-
 15 national humanitarian law, and crimes under international
 16 law committed in the Democratic Republic of Congo by
 17 groups on the list developed under section 2(a) have
 18 ceased.

19 **SEC. 4. PENALTIES.**

20 (a) IN GENERAL.—

21 (1) UNLAWFUL ACTS.—It shall be unlawful for
 22 a person to violate, attempt to violate, conspire to
 23 violate, or cause a violation of section 3(a).

24 (2) CIVIL PENALTY.—A civil penalty may be
 25 imposed on any person that commits an unlawful act

1 described in subsection (a) in an amount not to ex-
2 ceed \$10,000.

3 (3) CRIMINAL PENALTY.—A person that will-
4 fully commits or willfully attempts to commit an un-
5 lawful act described in subsection (a), upon convic-
6 tion—

7 (A) in the case of a corporation or other
8 legal entity, shall be fined not more than
9 \$50,000; or

10 (B) in the case of a natural person, includ-
11 ing an officer, director, or agent of a corpora-
12 tion or other legal entity, may—

13 (i) be fined not more than \$50,000;

14 (ii) be imprisoned for not more than
15 10 years; or

16 (iii) be fined under clause (i) and im-
17 prisoned under clause (ii).

18 (b) IMPORT VIOLATIONS.—In addition to the pen-
19 alties provided for in subsection (a), any violation of sec-
20 tion 3(a) that violates any other customs law of the United
21 States shall be subject to any applicable civil or criminal
22 penalty, including seizure and forfeiture, that may be im-
23 posed under such customs law or title 18, United States

- 1 Code, with respect to the importation of products de-
- 2 scribed in section 3(a) of this Act.

