

119TH CONGRESS
1ST SESSION

S. 799

To establish and implement a multi-year Legal Gold and Mining Partnership Strategy to reduce the negative environmental and social impacts of illicit gold mining in the Western Hemisphere, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2025

Mr. CORNYN (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish and implement a multi-year Legal Gold and Mining Partnership Strategy to reduce the negative environmental and social impacts of illicit gold mining in the Western Hemisphere, 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 “United States Legal
5 Gold and Mining Partnership Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The illicit mining, trafficking, and commer-
2 cialization of gold in the Western Hemisphere—

3 (A) negatively affects the region’s economic
4 and social dynamics;

5 (B) strengthens transnational criminal or-
6 ganizations and other international illicit actors;
7 and

8 (C) has a deleterious impact on the envi-
9 ronment, indigenous peoples, and food security.

10 (2) A lack of economic opportunities and the
11 weak rule of law promote illicit activities, such as il-
12 licit gold mining, which increases the vulnerability of
13 individuals in mining areas, including indigenous
14 communities, who have been subjected to trafficking
15 in persons, other human rights abuses, and popu-
16 lation displacement in relation to mining activity,
17 particularly in the artisanal and small-scale mining
18 sector.

19 (3) Illicit gold mining in Latin America often
20 involves and benefits transnational criminal organi-
21 zations, drug trafficking organizations, terrorist
22 groups, and other illegal armed groups that extort
23 miners and enter into illicit partnerships with them
24 in order to gain revenue from the illicit activity.

1 (4) Illicit gold supply chains are international in
2 nature and frequently involve—

3 (A) the smuggling of gold and supplies,
4 such as mercury;

5 (B) trade-based money laundering; and

6 (C) other cross-border flows of illicit as-
7 sets.

8 (5) In Latin America, mineral traders and ex-
9 porters, local processors, and shell companies linked
10 to transnational criminal networks and illegally
11 armed groups all play a key role in the trafficking,
12 laundering, and commercialization of illicit gold from
13 the region.

14 (6) According to a report on illegally mined
15 Gold in Latin America by the Global Initiative
16 Against Transnational Organized Crime—

17 (A) more than 70 percent of the gold
18 mined in several Latin American countries,
19 such as Colombia, Ecuador, and Peru, is mined
20 through illicit means; and

21 (B) about 80 percent of the gold mined in
22 Venezuela is mined through illicit means and a
23 large percentage of such gold is sold—

24 (i) to Mibiturven, a joint venture op-
25 erated by the Maduro regime composed of

Minerven, a gold processor that has been designated by the Office of Foreign Assets Control of the Department of the Treasury, pursuant to Executive Order 13850 (relating to blocking property of additional persons contributing to the situation in Venezuela), and Marilyns Proje Yatirim, S.A., a Turkish company; or

(ii) through other trafficking and commercialization networks from which the Maduro regime benefits financially.

(7) Illegal armed groups and foreign terrorist organizations, such as the Ejército de Liberación Nacional (National Liberation Army—ELN), work with transnational criminal organizations in Venezuela that participate in the illicit mining, trafficking, and commercialization of gold.

(8) Transnational criminal organizations based in Venezuela, such as El Tren de Aragua, have expanded their role in the illicit mining, trafficking, and commercialization of gold to increase their criminal profits.

(9) Nicaragua's gold exports during 2021 were valued at an estimated \$989,000,000 in value, of which—

1 (A) gold valued at an estimated
2 \$898,000,000 was shipped to the United
3 States;

4 (B) gold valued at an estimated
5 \$48,700,000 was shipped to Switzerland;

6 (C) gold valued at an estimated
7 \$39,000,000 was shipped to the United Arab
8 Emirates; and

9 (D) gold valued at an estimated
10 \$3,620,000 was shipped to Austria.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

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

16 (A) the Committee on Foreign Relations of
17 the Senate;

18 (B) the Committee on Banking, Housing,
19 and Urban Affairs of the Senate;

20 (C) the Committee on Foreign Affairs of
21 the House of Representatives; and

22 (D) the Committee on Financial Services
23 of the House of Representatives .

24 (2) ARTISANAL AND SMALL-SCALE MINING;
25 ASM.—The terms “artisanal and small-scale mining”

1 and “ASM” refer to a form of mining common in
2 the developing world that—

3 (A) typically employs rudimentary, simple,
4 and low-cost extractive technologies and manual
5 labor-intensive techniques;

6 (B) is frequently subject to limited regula-
7 tion; and

8 (C) often features harsh and dangerous
9 working conditions.

10 (3) ILLICIT ACTORS.—The term “illicit actors”
11 includes—

12 (A) any person included on any list of—

13 (i) United States-designated foreign
14 terrorist organizations;

15 (ii) specially designated global terror-
16 ists (as defined in section 594.310 of title
17 31, Code of Federal Regulations);

18 (iii) significant foreign narcotics traf-
19 fickers (as defined in section 808 of the
20 Foreign Narcotics Kingpin Designation
21 Act (21 U.S.C. 1907); or

22 (iv) blocked persons, as maintained by
23 the Office of Foreign Assets Control of the
24 Department of the Treasury; and

25 (B) drug trafficking organizations.

1 (4) KEY STAKEHOLDERS.—The term “key
2 stakeholders” means private sector organizations, in-
3 dustry representatives, and civil society groups that
4 represent communities in areas affected by illicit
5 mining and trafficking of gold, including indigenous
6 groups, that are committed to the implementation of
7 the Legal Gold and Mining Partnership Strategy.

8 (5) LEGAL GOLD AND MINING PARTNERSHIP
9 STRATEGY; STRATEGY.—The terms “Legal Gold and
10 Mining Partnership Strategy” and “Strategy” mean
11 the strategy developed pursuant to section 4.

12 (6) RELEVANT FEDERAL DEPARTMENTS AND
13 AGENCIES.—The term “relevant Federal depart-
14 ments and agencies” means—

15 (A) the Department of State;

16 (B) the Department of the Treasury;

17 (C) the Department of Homeland Security,
18 including U.S. Customs and Border Protection
19 and U.S. Immigration and Customs Enforce-
20 ment;

21 (D) the Department of Justice, including
22 the Federal Bureau of Investigation and the
23 Drug Enforcement Administration;

24 (E) the Department of the Interior;

1 (F) the United States Agency for Inter-
2 national Development; and

3 (G) other Federal agencies designated by
4 the President.

5 **SEC. 4. LEGAL GOLD AND MINING PARTNERSHIP STRAT-**
6 **EGY.**

7 (a) STRATEGY REQUIRED.—The Secretary of State,
8 in coordination with the heads of relevant Federal depart-
9 ments and agencies, shall develop a comprehensive, multi-
10 year strategy, which shall be known as the Legal Gold and
11 Mining Partnership Strategy, to combat illicit gold mining
12 in the Western Hemisphere.

13 (b) ELEMENTS.—The Strategy shall include policies,
14 programs, and initiatives—

15 (1) to interrupt the linkages between ASM and
16 illicit actors that profit from ASM in the Western
17 Hemisphere;

18 (2) to deter ASM in environmentally protected
19 areas, such as national parks and conservation
20 zones, to prevent mining-related contamination of
21 critical natural resources, such as water resources,
22 soil, tropical forests, and other flora and fauna, and
23 aerosol contamination linked to detrimental health
24 impacts;

1 (3) to counter the financing and enrichment of
2 actors involved in the illicit mining, trafficking, and
3 commercialization of gold, and the abetting of their
4 activities by—

5 (A) promoting the exercise of due diligence
6 and the use of responsible sourcing methods in
7 the purchase and trade of ASM;

8 (B) preventing and prohibiting foreign per-
9 sons who control commodity trading chains
10 linked to illicit actors from enjoying the benefits
11 of access to the territory, markets or financial
12 system of the United States, and halting any
13 such ongoing activity by such foreign persons;

14 (C) combating related impunity afforded to
15 illicit actors by addressing corruption in govern-
16 ment institutions; and

17 (D) supporting the capacity of financial in-
18 telligence units, customs agencies, and other
19 government institutions focused on anti-money
20 laundering initiatives and combating the financ-
21 ing of criminal activities and terrorism to exer-
22 cise oversight consistent with the threats posed
23 by illicit gold mining;

1 (4) to build the capacity of foreign civilian law
2 enforcement institutions in the Western Hemisphere
3 to effectively counter—

4 (A) linkages between illicit gold mining, il-
5 licit actors, money laundering, and other finan-
6 cial crimes, including trade-based money laun-
7 dering;

8 (B) linkages between illicit gold mining, il-
9 licit actors, trafficking in persons, and forced or
10 coerced labor, including sex work and child
11 labor;

12 (C) the cross-border trafficking of illicit
13 gold, and the mercury, cyanide, explosives, and
14 other hazardous materials used in illicit gold
15 mining; and

16 (D) surveillance and investigation of illicit
17 and related activities that are related to or are
18 indicators of illicit gold mining activities;

19 (5) to ensure the successful implementation of
20 the existing Memoranda of Understanding signed
21 with the Governments of Peru and of Colombia in
22 2017 and 2018, respectively, to expand bilateral co-
23 operation to combat illicit gold mining;

24 (6) to work with governments in the Western
25 Hemisphere, bolster the effectiveness of anti-money

1 laundering efforts to combat the financing of illicit
2 actors in Latin America and the Caribbean and
3 counter the laundering of proceeds related to illicit
4 gold mining by—

5 (A) fostering international and regional co-
6 operation and facilitating intelligence sharing,
7 as appropriate, to identify and disrupt financial
8 flows related to the illicit gold mining, traf-
9 ficking, and commercialization of gold and
10 other minerals and illicit metals; and

11 (B) supporting the formulation of strate-
12 gies to ensure the compliance of reporting insti-
13 tutions involved in the mining sector and to
14 promote transparency in mining-sector trans-
15 actions;

16 (7) to support foreign government efforts—

17 (A) to facilitate licensing and formalization
18 processes for ASM miners;

19 (B) to develop mechanisms to support reg-
20 ulated cultural artisanal mining and artisanal
21 mining as a job growth area; and

22 (C) to implement existing environmental
23 standards;

1 (8) to engage the mining industry to encourage
2 the building of technical expertise in best practices
3 and access to new technologies;

4 (9) to support the establishment of gold com-
5 modity supply chain due diligence, responsible
6 sourcing, tracing and tracking capacities, and stand-
7 ards-compliant commodity certification systems in
8 countries in Latin America and the Caribbean, in-
9 cluding efforts recommended in the OECD Due Dili-
10 gence Guidance for Responsible Supply Chains of
11 Minerals from Conflict-Affected and High Risk
12 Areas, Third Edition (2016);

13 (10) to engage with civil society to reduce the
14 negative environmental impacts of ASM, particu-
15 larly—

16 (A) the use of mercury in preliminary re-
17 fining;

18 (B) the destruction of tropical forests;

19 (C) the construction of illegal and unregu-
20 lated dams and the resulting valley floods;

21 (D) the pollution of water resources and
22 soil; and

23 (E) the release of dust, which can contain
24 toxic chemicals and heavy metals that can cause
25 severe health problems;

1 (11) to aid and encourage ASM miners—

2 (A) to formalize their business activities,
3 including through skills training, technical and
4 business assistance, and access to financing,
5 loans, and credit;

6 (B) to utilize mercury-free gold refining
7 technologies and mining methods that minimize
8 deforestation, air pollution, and water and soil
9 contamination;

10 (C) to reduce the costs associated with for-
11 malization and compliance with mining regula-
12 tions; and

13 (D) to fully break away from the influence
14 of illicit actors who leverage the control of terri-
15 tory and use violence to extort miners and push
16 them into illicit arrangements;

17 (12) to interrupt the illicit gold trade in Nica-
18 ragua, including through the use of United States
19 punitive measures against the government led by
20 President Daniel Ortega and Vice-President Rosario
21 Murillo and their collaborators pursuant to Execu-
22 tive Order 14088 (relating to taking additional steps
23 to address the national emergency with respect to
24 the situation in Nicaragua), which was issued on Oc-
25 tober 24, 2022;

1 (13) to assist local journalists with investiga-
 2 tions of illicit mining, trafficking, and commer-
 3 cialization of gold and its supplies in the Western
 4 Hemisphere; and

5 (14) to promote responsible sourcing and due
 6 diligence at all levels of gold supply chains.

7 (c) ASSESSMENT OF CHALLENGES.—The Strategy
 8 shall include an assessment of the challenges posed by,
 9 and policy recommendations to address—

10 (1) linkages between ASM sector production
 11 and trade, particularly relating to gold, to the activi-
 12 ties of illicit actors, including linkages that help to
 13 finance or enrich such illicit actors or abet their ac-
 14 tivities;

15 (2) linkages between illicit or grey market
 16 trade, and markets in gold and other metals or min-
 17 erals and legal trade and commerce in such commod-
 18 ities, notably with respect to activities that abet the
 19 entry of such commodities into legal commerce, in-
 20 cluding—

21 (A) illicit cross-border trafficking, includ-
 22 ing with respect to goods, persons and illegal
 23 narcotics;

24 (B) money-laundering;

1 (C) the financing of illicit actors or their
2 activities; and

3 (D) the extralegal entry into the United
4 States of—

5 (i) metals or minerals, whether of
6 legal foreign origin or not; and

7 (ii) the proceeds of such metals or
8 minerals;

9 (3) linkages between the illicit mining, traf-
10 ficking, and commercialization of gold, diamonds,
11 and precious metals and stones, and the financial
12 and political activities of the regime of Nicolás
13 Maduro of Venezuela;

14 (4) factors that—

15 (A) produce linkages between ASM miners
16 and illicit actors, prompting some ASM miners
17 to utilize mining practices that are environ-
18 mentally damaging and unsustainable, notably
19 mining or related ore processing practices
20 that—

21 (i) involve the use of elemental mer-
22 cury; or

23 (ii) result in labor, health, environ-
24 mental, and safety code infractions and
25 workplace hazards; and

1 (B) lead some ASM miners to operate in
2 the extralegal or poorly regulated informal sec-
3 tor, and often prevent such miners from im-
4 proving the socioeconomic status of themselves
5 and their families and communities, or hinder
6 their ability to formalize their operations, en-
7 hance their technical and business capacities,
8 and access finance of fair market prices for
9 their output;

10 (5) mining-related trafficking in persons and
11 forced or coerced labor, including sex work and child
12 labor; and

13 (6) the use of elemental mercury and cyanide in
14 ASM operations, including the technical aims and
15 scope of such usage and its impact on human health
16 and the environment, including flora, fauna, water
17 resources, soil, and air quality.

18 (d) FOREIGN ASSISTANCE.—The Strategy shall de-
19 scribe—

20 (1) existing foreign assistance programs that
21 address elements of the Strategy; and

22 (2) additional foreign assistance resources need-
23 ed to fully implement the Strategy.

24 (e) SUBMISSION.—Not later than 180 days after the
25 date of the enactment of this Act, the President shall sub-

1 mit the Strategy to the appropriate congressional commit-
2 tees.

3 (f) SEMIANNUAL BRIEFINGS.—Not later than 180
4 days after submission of the Strategy, and semiannually
5 thereafter for the following 3 years, the Secretary of State,
6 or the Secretary’s designee, shall provide a briefing to the
7 appropriate congressional committees regarding the imple-
8 mentation of the strategy, including efforts to leverage
9 international support and develop a public-private partner-
10 ship to build responsible gold value chains with other gov-
11 ernments.

12 **SEC. 5. CLASSIFIED BRIEFING ON ILLICIT GOLD MINING IN**
13 **VENEZUELA.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Secretary of State, or the Secretary’s
16 designee, in coordination with the Director of National In-
17 telligence, shall provide a classified briefing to the appro-
18 priate congressional committees, the Select Committee on
19 Intelligence of the Senate, and the Permanent Select Com-
20 mittee on Intelligence of the House of Representatives
21 that describes—

22 (1) the activities related to illicit gold mining,
23 including the illicit mining, trafficking, and commer-
24 cialization of gold, inside Venezuelan territory car-
25 ried out by illicit actors, including defectors from the

1 Revolutionary Armed Forces of Colombia (FARC)
2 and members of the National Liberation Army
3 (ELN); and

4 (2) Venezuela's illicit gold trade with foreign
5 governments, including the Government of the Re-
6 public of Turkey and the Government of the Islamic
7 Republic of Iran.

8 **SEC. 6. INVESTIGATION OF THE ILLICIT GOLD TRADE IN**
9 **VENEZUELA.**

10 The Secretary of State, in coordination with the Sec-
11 retary of the Treasury, the Attorney General, and allied
12 and partner governments in the Western Hemisphere,
13 shall—

14 (1) lead a coordinated international effort to
15 carry out financial investigations to identify and
16 track assets taken from the people and institutions
17 in Venezuela that are linked to money laundering
18 and illicit activities, including mining-related activi-
19 ties, by sharing financial investigations intelligence,
20 as appropriate and as permitted by law; and

21 (2) provide technical assistance to help eligible
22 governments in Latin America establish legislative
23 and regulatory frameworks capable of imposing and
24 effectively implementing targeted sanctions on—

1 (A) officials of the Maduro regime who are
 2 directly engaged in the illicit mining, traf-
 3 ficking, and commercialization of gold; and

4 (B) foreign persons engaged in the laun-
 5 dering of illicit gold assets linked to designated
 6 terrorist and drug trafficking organizations.

7 **SEC. 7. LEVERAGING INTERNATIONAL SUPPORT.**

8 In implementing the Strategy pursuant to section 4,
 9 the President should direct United States representatives
 10 accredited to relevant multilateral institutions and devel-
 11 opment banks and United States ambassadors in the
 12 Western Hemisphere to use the influence of the United
 13 States to foster international cooperation to achieve the
 14 objectives of this Act, including—

15 (1) marshaling resources and political support;

16 and

17 (2) encouraging the development of policies and
 18 consultation with key stakeholders to accomplish
 19 such objectives and provisions.

20 **SEC. 8. PUBLIC-PRIVATE PARTNERSHIP TO BUILD RESPON-**
 21 **SIBLE GOLD VALUE CHAINS.**

22 (a) BEST PRACTICES.—The Secretary of State (re-
 23 ferred to in this section as the “Secretary”), in coordina-
 24 tion with the Governments of Colombia, of Ecuador, and
 25 of Peru, and with other democratically-elected govern-

1 ments in the region, shall consult with the Government
2 of Switzerland regarding best practices developed through
3 the Swiss Better Gold Initiative (a public-private partner-
4 ship that aims to improve transparency and traceability
5 in the international gold trade).

6 (b) IN GENERAL.—The Secretary shall coordinate
7 with the Governments of Colombia, of Ecuador, of Peru,
8 and of other democratically-elected governments in the re-
9 gion determined by the Secretary to establish a public-pri-
10 vate partnership to advance the best practices identified
11 pursuant to subsection (a), including supporting program-
12 ming in participating countries that will—

13 (1) support the ASM gold mining sector’s for-
14 malization and compliance with the existing environ-
15 mental and labor standards in participating coun-
16 tries;

17 (2) increase awareness of access to financing
18 for ASM gold miners who are taking significant
19 steps to formalize their operations and comply with
20 the existing labor and environmental standards in
21 participating countries;

22 (3) enhance the traceability and support the es-
23 tablishment of a certification process for ASM gold;

24 (4) support a public relations campaign to pro-
25 mote responsibly-sourced gold;

1 (5) include representatives of local civil society
 2 to work towards soliciting the free and informed
 3 consent of those living on lands with mining poten-
 4 tial;

5 (6) facilitate contact between vendors of respon-
 6 sibly-sourced gold and United States companies; and

7 (7) promote policies and practices in partici-
 8 pating countries that are conducive to the formaliza-
 9 tion of ASM gold mining and promoting adherence
 10 of ASM to internationally-recognized best practices
 11 and standards.

12 (c) MEETING.—The Secretary or the Administrator
 13 of the United States Agency for International Develop-
 14 ment, without delegation and in coordination with the gov-
 15 ernments of participating countries, should—

16 (1) host a meeting with senior representatives
 17 of the private sector and international governmental
 18 and nongovernmental partners; and

19 (2) make commitments to improve due diligence
 20 and increase the responsible sourcing of gold.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 Out of funds appropriated to the Department of
 23 State for fiscal years 2025 and 2026, there is authorized
 24 to be appropriated to the Department of State not more

1 than \$10,000,000 to implement the Legal Gold and Min-
2 ing Partnership Strategy developed pursuant to section 4.

○