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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on _____

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:

8 (1) The Democratic Republic of the Congo was
9 devastated by a civil war in 1996 and 1997 and a

1 war that began in 1998 and ended in 2003, which
2 resulted in widespread human rights violations and
3 the intervention of multiple armed forces and armed
4 non-state actors from other countries in the region.

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

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

19 (4) Sexual violence and rape remain pervasive
20 tools of combat used by all parties in eastern region
21 of the Democratic Republic of the Congo to terrorize
22 and destroy communities. Sexual violence and rape
23 affect hundreds of thousands of women and girls,
24 frequently resulting in traumatic fistula, other severe
25 genital injuries, and long-term psychological trauma.

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

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

10 (7) In its final report, released on December
11 12, 2008, the United Nations Group of Experts on
12 the Democratic Republic of the Congo found armed
13 groups in the eastern region of the Democratic Re-
14 public of the Congo continue to fight over, illegally
15 plunder, and profit greatly from the trade of colum-
16 bite-tantalite (coltan), cassiterite, wolframite, and
17 gold in the eastern Congo.

18 (8) United Nations Security Council Resolution
19 1857, unanimously adopted on December 22,
20 2008—

21 (A) broadens existing sanctions relating to
22 the Democratic Republic of the Congo to in-
23 clude “individuals or entities supporting the
24 armed groups . . . through illicit trade of nat-
25 ural resources,”; and

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

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

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

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

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

22 (10) Minerals from the Democratic Republic of
23 the Congo are used in industrial and technology
24 products worldwide, including mobile telephones,
25 laptop computers, and digital video recorders.

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

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

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

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

20 (A) exercising due diligence over their
21 manufacturing processes, ensuring they and
22 their suppliers use raw materials in a manner
23 that does not—

24 (i) directly finance armed conflict;

1 (ii) result in labor or human rights
2 violations; or

3 (iii) damage the environment;

4 (B) verifying the country and mine from
5 which the minerals used to build their products
6 originate; and

7 (C) committing to support mineral export-
8 ers from the Democratic Republic of the Congo
9 that certify that their minerals do not—

10 (i) directly finance armed conflict;

11 (ii) result in labor or human rights
12 violations; or

13 (iii) damage the environment.

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

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

12 **SEC. 3. STATEMENT OF POLICY.**

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

23 (1) monitor and stop commercial activities in-
24 volving the natural resources of the Democratic Re-
25 public of the Congo that contribute to the activities

1 of armed groups and human rights violations in the
2 Democratic Republic of the Congo; and

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

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

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

15 (1) IN GENERAL.—Not later than 120 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense, in consultation with the Secretary
18 of State, shall, in accordance with the recommenda-
19 tion of the United Nations Group of Experts on the
20 Democratic Republic of the Congo in their December
21 2008 report, work with other Member States of the
22 United Nations and local and international non-
23 governmental organizations to—

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

4 (B) make such map available to the public;
5 and

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

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

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

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

17 (b) GUIDANCE FOR COMMERCIAL ENTITIES.—

18 (1) IN GENERAL.—The Secretary of State and
19 the Secretary of Commerce shall work with other
20 Member States of the United Nations, local and
21 international nongovernmental organizations, and
22 other interested parties to provide guidance to com-
23 mercial entities seeking to exercise due diligence, in-
24 cluding documentation on the origin and chain of
25 custody for their products, on their suppliers to en-

1 sure that conflict minerals used in their products do
2 not—

3 (A) directly finance armed conflict;

4 (B) result in labor or human rights viola-
5 tions; or

6 (C) damage the environment.

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

14 (c) STRATEGY.—

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

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

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

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

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

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

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

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

22 (f) SUPPORT OF MANDATE OF UNITED NATIONS
23 GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF
24 THE CONGO.—The President, acting through the Sec-
25 retary of State, the United States Permanent Representa-

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

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

17 **SEC. 5. SENSE OF CONGRESS ON ASSISTANCE FOR AF-**
18 **FFECTED COMMUNITIES AND SUSTAINABLE**
19 **LIVELIHOODS.**

20 (a) SENSE OF CONGRESS ON ASSISTANCE FOR AF-
21 FECTED COMMUNITIES.—It is the sense of Congress that
22 the Administrator of the United States Agency for Inter-
23 national Development should expand and better coordinate
24 programs to assist and empower communities in the east-

1 ern Democratic Republic of the Congo whose livelihoods
2 depend on the mineral trade, particularly—

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

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

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

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

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

22 (2) provide humanitarian relief and basic serv-
23 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 of approved private
16 sector auditing services qualified to audit the proc-
17 essing facilities worldwide of conflict minerals.

18 (2) UPDATE.—The Secretary of Commerce
19 shall update the list required under paragraph (1)
20 not less than once every 12 months and publish in
21 the Federal Register the updated list. The Secretary
22 of State shall work with and encourage relevant for-
23 eign governments to issue visas for auditors who are
24 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 two years after the date of the enactment of this

1 Act, importers that import articles specified in the
2 Harmonized Tariff Schedule of the United States
3 that are identified pursuant to section 6(a) as in-
4 cluded on the Potential Conflict Goods List shall
5 certify on the importer's Customs declaration that
6 such articles "contain conflict minerals" or are "con-
7 flict mineral free" in accordance with section 6(c).
8 Articles that contain components using conflict min-
9 erals from a facility audited and certified by an
10 auditor on the list referred to in subsection 6(b)
11 as—

12 (A) "conflict mineral free" shall be des-
13 ignated as "conflict mineral free"; and

14 (B) a "conflict mineral facility" shall be
15 designated as "contains conflict minerals".

16 (2) SPECIAL RULES.—For the purposes of this
17 Act—

18 (A) recycled derivatives of conflict minerals
19 shall be considered "conflict mineral free"; and

20 (B) articles that contain only components
21 sourced from processing facilities that are "con-
22 flict mineral free" may be labeled "conflict min-
23 eral free"..

24 (b) PROHIBITION ON IMPORTATION OF CERTAIN AR-
25 TICLES.—Unrefined conflict minerals, not including their

1 derivatives from a conflict zone mine that is in raw or
2 unrefined form for any commercial purpose may not be
3 imported into the United States. Beginning on the date
4 that is two years after the date of the enactment of this
5 Act, articles made wholly or in part with components con-
6 taining conflict minerals from facilities that have not been
7 audited in accordance with section 6(c) may not be im-
8 ported into the United States.

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

13 (1) determines that such an exemption is in the
14 national security interest of the United States and
15 includes the reasons therefor; and

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

19 **SEC. 8. REPORT BY UNITED STATES TRADE REPRESENTA-**
20 **TIVE.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 implementation of the requirements of sections 6 and 7
23 and every 180 days thereafter, the United States Trade
24 Representative, in consultation with the Commissioner re-
25 sponsible for U.S. Customs and Border Protection, shall

1 publish in the Federal Register a list of those importers
2 that have imported into the United States articles that
3 “contain conflict minerals” in the preceding 180-day pe-
4 riod.

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

18 **SEC. 9. PENALTIES.**

19 (a) PENALTIES RELATING TO CONFLICT MIN-
20 ERALS.—If any person, by fraud, gross negligence, or neg-
21 ligence, enters, introduces, or attempts to enter or intro-
22 duce any good that contains one or more conflict minerals
23 (as such term is defined in section 11) into the territory
24 of the United States by means of inaccurate information
25 with respect to the imported good, such person shall be

1 subject to penalties pursuant to section 592 of the Tariff
2 Act of 1930 (19 U.S.C. 1592).

3 (b) PUBLICATION IN THE FEDERAL REGISTER.—The
4 Commissioner responsible for U.S. Customs and Border
5 Protection and the Secretary of Commerce shall publish
6 in the Federal Register in a timely manner a list of all
7 penalties imposed under subsection (a).

8 **SEC. 10. REPORTS BY GOVERNMENT ACCOUNTABILITY OF-**
9 **FICE.**

10 (a) INITIAL REPORT.—Not later than 36 months
11 after the date of the enactment of this Act and annually
12 thereafter, the Comptroller General of the United States
13 shall submit to Congress a report that includes the fol-
14 lowing:

15 (1) An assessment of the accuracy of the ap-
16 proved private sector auditing services under section
17 6.

18 (2) Recommendations for such auditing services
19 to—

20 (A) improve the accuracy of such auditing
21 services; and

22 (B) establish standards of best practices.

23 (b) FOLLOW-UP REPORTS.—Not later than 36
24 months after the date of the enactment of this Act and
25 annually thereafter, the Comptroller General of the United

1 States shall submit to Congress a report that includes the
2 following:

3 (1) An assessment of the effectiveness of the
4 provisions of this Act.

5 (2) A description of the problems, if any, en-
6 countered by the Department of Commerce, the De-
7 partment of State, the Office of the United States
8 Trade Representative, U.S. Customs and Border
9 Protection, and the Administrator of the United
10 States Agency for International Development in car-
11 rying out the provisions of this Act.

12 (3) A description of the adverse impacts of car-
13 rying out the provisions of this Act, if any, on coun-
14 tries with columbite-tantalite (coltan), cassiterite,
15 wolframite, or their derivatives, and in particular,
16 communities in the eastern Democratic Republic of
17 the Congo.

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

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

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

1 (C) mitigate the adverse impacts described
2 in paragraph (3), if any.

3 **SEC. 11. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Appropriations, the
9 Committee on Foreign Affairs, the Committee
10 on Ways and Means, and the Committee on Fi-
11 nancial Services of the House of Representa-
12 tives; and

13 (B) the Committee on Appropriations, the
14 Committee on Foreign Relations, the Com-
15 mittee on Finance, and the Committee on
16 Banking, Housing, and Urban Affairs of the
17 Senate.

18 (2) ARMED GROUP.—The term “armed group”
19 means armed groups identified as perpetrators of se-
20 rious human rights abuses in the annual Country
21 Reports on Human Rights Practices under sections
22 116(d) and 502B(b) of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating
24 to the Democratic Republic of the Congo or coun-

1 tries that share a border with the Democratic Re-
2 public of the Congo.

3 (3) CONFLICT MINERALS.—The term “conflict
4 minerals” means columbite-tantalite (coltan), cas-
5 siterite, wolframite, or their derivatives, or any other
6 mineral determined by the Secretary of State to be
7 financing conflict in the Democratic Republic of the
8 Congo.

9 (4) UNITED STATES.—The term “United
10 States” means the customs territory of the United
11 States, as defined in general note 2 of the Har-
12 monized Tariff Schedule of the United States.

13 **SEC. 12. SUNSET.**

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

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

23 (2) a regional framework has been established
24 and effectively implemented to monitor and regulate
25 trade and commerce in conflict minerals so that such

1 activities do not benefit armed groups in the Demo-
2 cratic Republic of the Congo.