

AMENDMENT TO RULES COMM. PRINT 119–8

OFFERED BY MR. BACON OF NEBRASKA

At the end of title XVII, insert the following:

1 **Subtitle C.—United States Legal**
2 **Gold and Mining Partnership**

3 **SEC. 1731. SHORT TITLE.**

4 This subtitle may be cited as the “United States
5 Legal Gold and Mining Partnership Act”.

6 **SEC. 1732. FINDINGS.**

7 Congress makes the following findings:

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

10 (A) negatively affects the region’s economic
11 and social dynamics;

12 (B) strengthens transnational criminal or-
13 ganizations and other international illicit actors;
14 and

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

17 (2) A lack of economic opportunities and the
18 weak rule of law promote illicit activities, such as il-
19 licit gold mining, which increases the vulnerability of
20 individuals in mining areas, including indigenous

1 communities, which have been subjected to traf-
2 ficking in persons, other human rights abuses, and
3 population displacement in relation to mining activ-
4 ity, particularly in the artisanal and small-scale min-
5 ing sector.

6 (3) Illicit gold mining in Latin America often
7 involves and benefits transnational criminal organi-
8 zations, drug trafficking organizations, terrorist
9 groups, and other illegal armed groups that extort
10 miners and enter into illicit partnerships with them
11 in order to gain revenue from the illicit activity.

12 (4) Illicit gold supply chains are international in
13 nature and frequently involve—

14 (A) the smuggling of gold and supplies,
15 such as mercury;

16 (B) trade-based money laundering; and

17 (C) other cross-border flows of illicit as-
18 sets.

19 (5) In Latin America, mineral traders and ex-
20 porters, local processors, and shell companies linked
21 to transnational criminal networks and illegally
22 armed groups all play a key role in the trafficking,
23 laundering, and commercialization of illicit gold from
24 the region.

1 (6) According to a report on illegally mined
2 gold in Latin America by the Global Initiative
3 Against Transnational Organized Crime—

4 (A) more than 70 percent of the gold
5 mined in several Latin American countries,
6 such as Colombia, Ecuador, and Peru, is mined
7 through illicit means; and

8 (B) about 80 percent of the gold mined in
9 Venezuela is mined through illicit means and a
10 large percentage of such gold is sold—

11 (i) to Mibiturven, a joint venture op-
12 erated by the Maduro regime composed of
13 Minerven, a gold processor that has been
14 designated by the Office of Foreign Assets
15 Control of the Department of the Treas-
16 ury, pursuant to Executive Order 13850
17 (relating to blocking property of additional
18 persons contributing to the situation in
19 Venezuela), and Marilyns Proje Yatirim,
20 S.A., which is a Turkish company; or

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

24 (7) Illegal armed groups and foreign terrorist
25 organizations, such as the Ejercito de Liberacion

1 Nacional (National Liberation Army—ELN), work
2 with transnational criminal organizations in Ven-
3 ezuela that participate in the illicit mining, traf-
4 ficking, and commercialization of gold.

5 (8) Transnational criminal organizations based
6 in Venezuela, such as El Tren de Aragua, have ex-
7 panded their role in the illicit mining, trafficking,
8 and commercialization of gold to increase their
9 criminal profits.

10 (9) Nicaragua's gold exports during 2023 were
11 valued at an estimated \$1,240,000,000, of which—

12 (A) gold valued at an estimated
13 \$637,000,000 was shipped to the United
14 States;

15 (B) gold valued at an estimated
16 \$353,000,000 was shipped to Canada;

17 (C) gold valued at an estimated
18 \$244,000,000 was shipped to Switzerland; and

19 (D) gold valued at an estimated
20 \$6,560,000 was shipped to Italy.

21 (10) U.S. Customs and Border Protection has
22 recognized that illegal logging is the world's most
23 profitable natural resource crime and that profits
24 from illegal logging finance illegal mining.

1 **SEC. 1733. DEFINITIONS.**

2 In this subtitle:

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

6 (A) the Committee on Foreign Relations of
7 the Senate;

8 (B) the Committee on Banking, Housing,
9 and Urban Affairs of the Senate;

10 (C) the Committee on Foreign Affairs of
11 the House of Representatives; and

12 (D) the Committee on Financial Services
13 of the House of Representatives.

14 (2) ARTISANAL AND SMALL-SCALE MINING;
15 ASM.—The terms “artisanal and small-scale mining”
16 and “ASM” refer to a form of mining common in
17 the developing world that—

18 (A) typically employs rudimentary, simple,
19 and low-cost extractive technologies and manual
20 labor-intensive techniques;

21 (B) is frequently subject to limited regula-
22 tion; and

23 (C) often features harsh and dangerous
24 working conditions.

25 (3) ILLICIT ACTORS.—The term “illicit actors”
26 includes—

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

2 (i) United States-designated foreign
3 terrorist organizations;

4 (ii) specially designated global terror-
5 ists (as defined in section 594.310 of title
6 31, Code of Federal Regulations);

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

11 (iv) blocked persons, as maintained by
12 the Office of Foreign Assets Control of the
13 Department of the Treasury; and

14 (B) drug trafficking organizations.

15 (4) KEY STAKEHOLDERS.—The term “key
16 stakeholders” means private sector organizations, in-
17 dustry representatives, and civil society groups that
18 represent communities in areas affected by illicit
19 mining and trafficking of gold, including indigenous
20 groups, that are committed to the implementation of
21 the Legal Gold and Mining Partnership Strategy.

22 (5) LEGAL GOLD AND MINING PARTNERSHIP
23 STRATEGY; STRATEGY.—The terms “Legal Gold and
24 Mining Partnership Strategy” and “Strategy” mean
25 the strategy developed pursuant to section 1734.

1 (6) RELEVANT FEDERAL DEPARTMENTS AND
2 AGENCIES.—The term “relevant Federal depart-
3 ments and agencies” means the Department of State
4 and all other Federal departments and agencies des-
5 ignated by the President as having significant do-
6 mestic or foreign affairs equities in countering illicit
7 mining.

8 (7) SECRETARY.—The term “Secretary” means
9 the Secretary of State.

10 **SEC. 1734. LEGAL GOLD AND MINING PARTNERSHIP STRAT-**
11 **EGY.**

12 (a) STRATEGY REQUIRED.—The Secretary, in coordi-
13 nation with the heads of relevant Federal departments and
14 agencies, shall develop a comprehensive, multi-year strat-
15 egy, which shall be known as the “Legal Gold and Mining
16 Partnership Strategy”, to combat illicit gold mining in the
17 Western Hemisphere.

18 (b) ELEMENTS.—The Strategy shall include policies,
19 programs, and initiatives—

20 (1) to interrupt the linkages between ASM and
21 illicit actors that profit from ASM in the Western
22 Hemisphere;

23 (2) to deter ASM in environmentally protected
24 areas, such as national parks and conservation
25 zones, to prevent mining-related contamination of

1 critical natural resources, such as water resources,
2 soil, tropical forests, and other flora and fauna, and
3 aerosol contamination linked to detrimental health
4 impacts;

5 (3) to counter the financing and enrichment of
6 actors involved in the illicit mining, trafficking, and
7 commercialization of gold, and the abetting of their
8 activities by—

9 (A) promoting the exercise of due diligence
10 and the use of responsible sourcing methods in
11 the purchase and trade of ASM;

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

18 (C) combating related impunity afforded to
19 illicit actors by addressing corruption in govern-
20 ment institutions; and

21 (D) supporting the capacity of financial in-
22 telligence units, customs agencies, and other
23 government institutions focused on anti-money
24 laundering initiatives and combating the financ-
25 ing of criminal activities and terrorism to exer-

1 cise oversight consistent with the threats posed
2 by illicit gold mining;

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

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

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

14 (C) linkages between illicit gold mining, il-
15 licit actors, and the illegal timber trade;

16 (D) the cross-border trafficking of illicit
17 gold, and the mercury, cyanide, explosives, and
18 other hazardous materials used in illicit gold
19 mining; and

20 (E) surveillance and investigation of illicit
21 and related activities that are related to or are
22 indicators of illicit gold mining activities;

23 (5) to ensure the successful implementation of
24 the existing Memoranda of Understanding signed
25 with the Governments of Peru and of Colombia in

1 2017 and 2018, respectively, to expand bilateral co-
2 operation to combat illicit gold mining;

3 (6) to work with governments in the Western
4 Hemisphere, bolster the effectiveness of anti-money
5 laundering efforts to combat the financing of illicit
6 actors in Latin America and the Caribbean and
7 counter the laundering of proceeds related to illicit
8 gold mining by—

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

15 (B) supporting the formulation of strate-
16 gies to ensure the compliance of reporting insti-
17 tutions involved in the mining sector and to
18 promote transparency in mining-sector trans-
19 actions;

20 (7) to support foreign government efforts—

21 (A) to facilitate licensing and formalization
22 processes for ASM miners;

23 (B) to develop mechanisms to support reg-
24 ulated cultural artisanal mining and artisanal
25 mining as a job growth area; and

1 (C) to implement existing environmental
2 standards;

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

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

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

18 (A) the use of mercury in preliminary re-
19 fining;

20 (B) the destruction of tropical forests;

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

23 (D) the pollution of water resources and
24 soil; and

1 (E) the release of dust, which can contain
2 toxic chemicals and heavy metals that can cause
3 severe health problems;

4 (11) to aid and encourage ASM miners—

5 (A) to formalize their business activities,
6 including through skills training, technical and
7 business assistance, and access to financing,
8 loans, and credit;

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

13 (C) to reduce the costs associated with for-
14 malization and compliance with mining regula-
15 tions; and

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

20 (12) to interrupt the illicit gold trade in Nica-
21 ragua, including through the use of targeted United
22 States measures against the government led by
23 President Daniel Ortega and Vice-President Rosario
24 Murillo and their collaborators pursuant to Execu-
25 tive Order 14088 (relating to taking additional steps

1 to address the national emergency with respect to
2 the situation in Nicaragua), which was issued on Oc-
3 tober 24, 2022;

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

8 (14) to promote responsible sourcing and due
9 diligence at all levels of gold supply chains, including
10 through the use of existing widely-adopted, industry-
11 standard responsible sourcing and due diligence
12 standards.

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

16 (1) linkages between ASM sector production
17 and trade, particularly relating to gold, to the activi-
18 ties of illicit actors, including linkages that help to
19 finance or enrich such illicit actors or abet their ac-
20 tivities;

21 (2) linkages between illicit or grey market
22 trade, and markets in gold and other metals or min-
23 erals and legal trade and commerce in such commod-
24 ities, notably with respect to activities that abet the

1 entry of such commodities into legal commerce, in-
2 cluding—

3 (A) illicit cross-border trafficking, includ-
4 ing with respect to goods, persons and illegal
5 narcotics;

6 (B) money-laundering;

7 (C) the financing of illicit actors or their
8 activities; and

9 (D) the extralegal entry into the United
10 States of—

11 (i) metals or minerals, whether of
12 legal foreign origin or not; and

13 (ii) the proceeds of such metals or
14 minerals;

15 (3) linkages between the illicit mining, traf-
16 ficking, and commercialization of gold, diamonds,
17 and precious metals and stones, and the financial
18 and political activities of the regime of Nicolas
19 Maduro of Venezuela;

20 (4) factors that—

21 (A) produce linkages between ASM miners
22 and illicit actors, prompting some ASM miners
23 to utilize mining practices that are environ-
24 mentally damaging and unsustainable, notably

1 mining or related ore processing practices
2 that—

3 (i) involve the use of elemental mer-
4 cury; or

5 (ii) result in labor, health, environ-
6 mental, and safety code infractions and
7 workplace hazards; and

8 (B) lead some ASM miners to operate in
9 the extralegal or poorly regulated informal sec-
10 tor, and often prevent such miners from im-
11 proving the socioeconomic status of themselves
12 and their families and communities, or hinder
13 their ability to formalize their operations, en-
14 hance their technical and business capacities,
15 and access finance of fair market prices for
16 their output;

17 (5) mining-related trafficking in persons and
18 forced or coerced labor, including sex work and child
19 labor; and

20 (6) the use of elemental mercury and cyanide in
21 ASM operations, including the technical aims and
22 scope of such usage and its impact on human health
23 and the environment, including flora, fauna, water
24 resources, soil, and air quality.

1 (d) FOREIGN ASSISTANCE.—The Strategy shall de-
2 scribe—

3 (1) existing foreign assistance programs that
4 address elements of the Strategy; and

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

7 (e) BEST PRACTICES.—The Strategy shall, to the ex-
8 tent practicable, avoid duplication of effort in the develop-
9 ment of due diligence and responsible sourcing standards,
10 including through the use of existing widely-adopted in-
11 dustry standards.

12 (f) SUBMISSION.—Not later than 180 days after the
13 date of the enactment of this Act, the President shall sub-
14 mit the Strategy to the appropriate congressional commit-
15 tees.

16 (g) SEMIANNUAL BRIEFINGS.—Not later than 180
17 days after submission of the Strategy, and semiannually
18 thereafter for the following 3 years, the Secretary, or the
19 Secretary's designee, shall provide a briefing to the appro-
20 priate congressional committees regarding the implemen-
21 tation of the strategy, including efforts to leverage inter-
22 national support and develop a public-private partnership
23 to build responsible gold value chains with other govern-
24 ments.

1 **SEC. 1735. CLASSIFIED BRIEFING ON ILLICIT GOLD MINING**
2 **IN VENEZUELA.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary, or the Secretary's des-
5 ignee, in coordination with the Director of National Intel-
6 ligence, shall provide a classified briefing to the appro-
7 priate congressional committees, the Select Committee on
8 Intelligence of the Senate, and the Permanent Select Com-
9 mittee on Intelligence of the House of Representatives
10 that describes—

11 (1) the activities related to illicit gold mining,
12 including the illicit mining, trafficking, and commer-
13 cialization of gold, inside Venezuelan territory car-
14 ried out by illicit actors, including defectors from the
15 Revolutionary Armed Forces of Colombia (FARC)
16 and members of the National Liberation Army
17 (ELN); and

18 (2) Venezuela's illicit gold trade with foreign
19 governments, including the Government of the Re-
20 public of Turkey and the Government of the Islamic
21 Republic of Iran.

22 **SEC. 1736. INVESTIGATION OF THE ILLICIT GOLD TRADE IN**
23 **VENEZUELA.**

24 The Secretary, in coordination with the Secretary of
25 the Treasury, the Attorney General, and allied and part-
26 ner governments in the Western Hemisphere, shall—

1 (1) lead a coordinated international effort to
2 carry out financial investigations to identify and
3 track assets taken from the people and institutions
4 in Venezuela that are linked to money laundering
5 and illicit activities, including mining-related activi-
6 ties, by sharing financial investigations intelligence,
7 as appropriate and as permitted by law; and

8 (2) provide technical assistance to help eligible
9 governments in Latin America establish legislative
10 and regulatory frameworks capable of imposing and
11 effectively implementing targeted sanctions on—

12 (A) officials of the Maduro regime who are
13 directly engaged in the illicit mining, traf-
14 ficking, and commercialization of gold; and

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

18 **SEC. 1737. LEVERAGING INTERNATIONAL SUPPORT.**

19 In implementing the Strategy pursuant to section
20 1234, the President should direct United States represent-
21 atives accredited to relevant multilateral institutions and
22 development banks and United States ambassadors in the
23 Western Hemisphere to use the influence of the United
24 States to foster international cooperation to achieve the
25 objectives of this Act, including—

- 1 (1) marshaling resources and political support;
2 and
3 (2) encouraging the development of policies and
4 consultation with key stakeholders to accomplish
5 such objectives and provisions.

6 **SEC. 1738. PUBLIC-PRIVATE PARTNERSHIP TO BUILD RE-**
7 **SPONSIBLE GOLD VALUE CHAINS.**

8 (a) BEST PRACTICES.—The Secretary, in coordina-
9 tion with the Governments of Colombia, of Ecuador, and
10 of Peru, and with other democratically-elected govern-
11 ments in the region, shall consult with the Government
12 of Switzerland regarding best practices developed through
13 the Swiss Better Gold Initiative (a public-private partner-
14 ship that aims to improve transparency and traceability
15 in the international gold trade).

16 (b) IN GENERAL.—The Secretary shall coordinate
17 with the Governments of Colombia, of Ecuador, of Peru,
18 and of other democratically-elected governments in the re-
19 gion determined by the Secretary to establish a public-pri-
20 vate partnership to advance the best practices identified
21 pursuant to subsection (a), including supporting program-
22 ming in participating countries that will—

- 23 (1) support the ASM gold mining sector’s for-
24 malization and compliance with the existing environ-

1 mental and labor standards in participating coun-
2 tries;

3 (2) increase awareness of access to financing
4 for ASM gold miners who are taking significant
5 steps to formalize their operations and comply with
6 the existing labor and environmental standards in
7 participating countries;

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

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

12 (5) include representatives of local civil society
13 to work towards soliciting the free and informed
14 consent of those living on lands with mining poten-
15 tial;

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

18 (7) promote policies and practices in partici-
19 pating countries that are conducive to the formaliza-
20 tion of ASM gold mining and promoting adherence
21 of ASM to internationally-recognized best practices
22 and standards.

23 **SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Depart-
25 ment of State \$10,000,000 for each of the fiscal years

- 1 2026 and 2027 to implement the Legal Gold and Mining
- 2 Partnership Strategy developed pursuant to section 1234.

