

AMENDMENT TO RULES COMMITTEE PRINT 117-

13

OFFERED BY MR. GOSAR OF ARIZONA

In division E, insert after title LIII the following:

1 **TITLE LIV—STOPPING**
2 **TERRORIST MINERALS TRADE**

3 **SEC. 5401. FINDINGS.**

4 Congress finds the following:

5 (1) Funds derived from the sale of minerals in
6 Afghanistan will be used by the Taliban and its al-
7 lies to finance terrorist and military activities, over-
8 throw legitimate governments, subvert international
9 efforts to promote peace and stability, and commit
10 horrifying atrocities against unarmed civilians.

11 (2) The United States spent 20 years and two
12 trillion dollars to attempt to bring peace and inter-
13 national comity to Afghanistan, only to see the
14 Taliban supported by other international actors
15 overthrow the legal government in a matter of hours.

16 (3) The United States spent tens of millions of
17 dollars funding critical mineral surveys and mineral
18 exploration to help build an alternative economy for
19 the legitimate peaceful Government of Afghanistan

1 and that data has now fallen into the hands of the
2 Taliban and its allies.

3 (4) Prohibiting the Taliban and its allies from
4 profiting from the use of these mineral resources will
5 ensure that threats to international peace and secu-
6 rity posed by the Taliban will not be funded with
7 these minerals.

8 **SEC. 5402. DEFINITIONS.**

9 In this Act:

10 (1) MINERAL.—The term “mineral” means any
11 mined material.

12 (2) UNITED STATES.—The term “United
13 States”, when used in the geographic sense, means
14 the several States, the District of Columbia, and any
15 commonwealth, territory, or possession of the United
16 States.

17 (3) UNITED STATES PERSON.—The term
18 “United States person” means—

19 (A) any United States citizen or any alien
20 admitted for permanent residence into the
21 United States;

22 (B) any entity organized under the laws of
23 the United States or any jurisdiction within the
24 United States (including its foreign branches);
25 and

1 (C) any person in the United States.

2 **SEC. 5403. MEASURES TO PROHIBIT THE IMPORTATION**
3 **INTO, OR TRANSIT THROUGH, THE UNITED**
4 **STATES OF MINERALS AND PRODUCTS PRO-**
5 **DUCE WITH MINERALS FROM AFGHANI-**
6 **STAN.**

7 (a) PROHIBITION.—The President shall prohibit the
8 importation into, or transit through, the United States of
9 any mineral, or product produced with minerals, from Af-
10 ghanistan.

11 (b) WAIVER.—The President may waive the require-
12 ments set forth in subsection (a) with respect to the im-
13 portation of any mineral, or product produced with min-
14 erals, from Afghanistan for periods of not more than 1
15 year each, if, with respect to each such waiver the Presi-
16 dent determines and reports to the appropriate congres-
17 sional committees that—

18 (1) such mineral was mined, or such product
19 was produced, prior to August 16, 2021;

20 (2) the waiver is in the national interests of the
21 United States, together with the reasons therefor;
22 and

23 (3) a fair, free, and democratic government has
24 control of Afghanistan and is not funding, sup-
25 porting, or engaging in global terrorism.

1 (c) MEASURES TO PREVENT CIRCUMVENTION.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, and
4 semi-annually thereafter, the President shall develop
5 and maintain a list of countries engaged in the trade
6 of minerals with Afghanistan.

7 (2) RECORDKEEPING.—Any United States per-
8 son seeking to import into the United States any
9 mineral, or product produced with minerals, from a
10 country on the list of countries required under para-
11 graph (1) shall keep a full record of, in the form of
12 reports, blockchain, or otherwise, complete informa-
13 tion relating to the mineral, or product produced
14 with minerals, including source, volume, and nation
15 of origin. The President may require such person to
16 furnish such information under oath, including the
17 production of books of account, records, contracts,
18 letters, memoranda, or other papers, in the custody
19 or control of such person.

20 (3) OVERSIGHT.—The President shall require
21 the heads of appropriate Federal departments and
22 agencies to conduct annual reviews of the standards,
23 practices, and procedures of United States persons
24 seeking to import into the United States any min-
25 eral, or product produced with minerals, from a

1 country on the list of countries required under para-
2 graph (1) to determine whether such standards,
3 practices, and procedures are in accordance with the
4 prohibition on the importation into, or transit
5 through, the United States of any mineral, or prod-
6 uct produced with minerals, from Afghanistan re-
7 quired under subsection (a).

8 **SEC. 5404. STATEMENT OF POLICY.**

9 It is the policy of the United States to promote and
10 facilitate the adoption by the international community of
11 measures similar to the measures to prohibit the importa-
12 tion into, or transit through, the United States of minerals
13 and products produced with minerals from Afghanistan as
14 described in section 5403 in order to prevent the funding
15 of terrorist activities by the Taliban.

16 **SEC. 5405. ENFORCEMENT.**

17 (a) IN GENERAL.—In addition to the enforcement
18 provisions set forth in subsection (b)—

19 (1) a civil penalty of not to exceed \$10,000,000
20 may be imposed on any person who violates, or at-
21 tempts to violate, any license, order, or regulation
22 issued under this title; and

23 (2) whoever willfully violates, or willfully at-
24 tempts to violate, any license, order, or regulation
25 issued under this title shall, upon conviction, be

1 fined not more than \$50,000,000, or, if a natural
2 person, may be imprisoned for not more than 10
3 years, or both, and any officer, director, or agent of
4 any corporation who willfully participates in such
5 violation may be punished by a like fine, imprison-
6 ment, or both.

7 (b) **IMPORT VIOLATIONS.**—Those customs laws of the
8 United States, both civil and criminal, including those
9 laws relating to seizure and forfeiture, that apply to arti-
10 cles imported in violation of such laws shall apply with
11 respect to any mineral, or product produced with minerals,
12 imported in violation of this title.

13 **SEC. 5406. TECHNICAL ASSISTANCE.**

14 The President may direct the appropriate depart-
15 ments and agencies of the United States Government to
16 make available technical assistance to countries seeking to
17 track, monitor, or enforce the requirements of this title.

18 **SEC. 5407. OVERSIGHT COORDINATING COMMITTEE.**

19 (a) **IN GENERAL.**—The President shall establish an
20 Oversight Coordinating Committee to coordinate the im-
21 plementation of this title.

22 (b) **MEMBERSHIP.**—The Committee shall be com-
23 posed of the following individuals or their designees:

24 (1) The Secretary of the Treasury and the Sec-
25 retary of State, who shall be co-chairpersons.

- 1 (2) The Secretary of Commerce.
- 2 (3) The Secretary of Defense.
- 3 (4) The United States Trade Representative.
- 4 (5) The Secretary of Homeland Security.
- 5 (6) A representative of any other agency the
- 6 President deems appropriate.

7 **SEC. 5408. REPORT.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, and every 12 months
10 thereafter for such period as this title is in effect, the
11 President shall transmit to the Congress a report on the
12 implementation of this title.

13 (b) MATTERS TO BE INCLUDED.—The report re-
14 quired by subsection (a) shall include the following:

15 (1) An identification of countries on the list of
16 countries required by section 5403(c)(1) and de-
17 scription of actions taken by such countries with re-
18 spect to the trade of minerals with Afghanistan and
19 potential uses of products produced with minerals
20 from Afghanistan.

21 (2) A description of whether there is statistical
22 information or other evidence to indicate efforts to
23 circumvent the prohibition on the importation into,
24 or transit through, the United States of any mineral,

1 or product produced with minerals, from Afghani-
2 stan under section 5403(a).

3 (3) An identification of any problems or obsta-
4 cles encountered in the implementation of this title.

5 **SEC. 5409. GAO REPORT.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall submit to the Congress a report
9 on the effectiveness of the provisions of this title in pre-
10 venting the importation of minerals or products produced
11 with minerals from Afghanistan.

12 (b) MATTERS TO BE INCLUDED.—The Comptroller
13 General shall include in the report any recommendations
14 on any modifications to this title that may be necessary.

15 **SEC. 5410. REGULATORY AND OTHER AUTHORITIES; DELE-**
16 **GATION OF AUTHORITIES.**

17 (a) REGULATORY AND OTHER AUTHORITIES.—The
18 President is authorized to and shall issue such proclama-
19 tions, regulations, licenses, and orders, and conduct such
20 investigations, as may be necessary to carry out this title.

21 (b) DELEGATION OF AUTHORITIES.—The President
22 may delegate the duties and authorities under this title
23 to such officers, officials, departments, or agencies of the

1 United States Government as the President deems appro-
2 priate.

