AMENDMENT TO RULES COMMITTEE PRINT 117-13

OFFERED BY MR. GOSAR OF ARIZONA

In division E, insert after title LIII the following:

TITLE LIV—STOPPING TERRORIST MINERALS TRADE

SEC. 5401. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of minerals in Afghanistan will be used by the Taliban and its allies to finance terrorist and military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians.

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

(3) The United States spent tens of millions of dollars funding critical mineral surveys and mineral exploration to help build an alternative economy for the legitimate peaceful Government of Afghanistan.
and that data has now fallen into the hands of the
Taliban and its allies.

(4) Prohibiting the Taliban and its allies from
profiting from the use of these mineral resources will
ensure that threats to international peace and secu-

rity posed by the Taliban will not be funded with
these minerals.

SEC. 5402. DEFINITIONS.

In this Act:

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

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

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

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

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

and
(C) any person in the United States.

SEC. 5403. MEASURES TO PROHIBIT THE IMPORTATION INTO, OR TRANSIT THROUGH, THE UNITED STATES OF MINERALS AND PRODUCTS PRODUCED WITH MINERALS FROM AFGHANISTAN.

(a) PROHIBITION.—The President shall prohibit the importation into, or transit through, the United States of any mineral, or product produced with minerals, from Afghanistan.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to the importation of any mineral, or product produced with minerals, from Afghanistan for periods of not more than 1 year each, if, with respect to each such waiver the President determines and reports to the appropriate congressional committees that—

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

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

(3) a fair, free, and democratic government has control of Afghanistan and is not funding, supporting, or engaging in global terrorism.
(c) MEASURES TO PREVENT CIRCUMVENTION.—

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

(2) RECORDKEEPING.—Any United States person seeking to import into the United States any mineral, or product produced with minerals, from a country on the list of countries required under paragraph (1) shall keep a full record of, in the form of reports, blockchain, or otherwise, complete information relating to the mineral, or product produced with minerals, including source, volume, and nation of origin. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(3) OVERSIGHT.—The President shall require the heads of appropriate Federal departments and agencies to conduct annual reviews of the standards, practices, and procedures of United States persons seeking to import into the United States any mineral, or product produced with minerals, from a
country on the list of countries required under para-
graph (1) to determine whether such standards,
practices, and procedures are in accordance with the
prohibition on the importation into, or transit
through, the United States of any mineral, or prod-
uct produced with minerals, from Afghanistan re-
quired under subsection (a).

SEC. 5404. STATEMENT OF POLICY.

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

SEC. 5405. ENFORCEMENT.

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

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

(2) whoever willfully violates, or willfully at-
ttempts to violate, any license, order, or regulation
issued under this title shall, upon conviction, be
fined not more than $50,000,000, or, if a natural
person, may be imprisoned for not more than 10
years, or both, and any officer, director, or agent of
any corporation who willfully participates in such
violation may be punished by a like fine, imprison-
ment, or both.

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

SEC. 5406. TECHNICAL ASSISTANCE.
The President may direct the appropriate depart-
ments and agencies of the United States Government to
make available technical assistance to countries seeking to
track, monitor, or enforce the requirements of this title.

SEC. 5407. OVERSIGHT COORDINATING COMMITTEE.
(a) IN GENERAL.—The President shall establish an
Oversight Coordinating Committee to coordinate the im-
plementation of this title.

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

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

(3) The Secretary of Defense.

(4) The United States Trade Representative.


(6) A representative of any other agency the President deems appropriate.

SEC. 5408. REPORT.

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

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An identification of countries on the list of countries required by section 5403(c)(1) and description of actions taken by such countries with respect to the trade of minerals with Afghanistan and potential uses of products produced with minerals from Afghanistan.

(2) A description of whether there is statistical information or other evidence to indicate efforts to circumvent the prohibition on the importation into, or transit through, the United States of any mineral,
or product produced with minerals, from Afghanistan under section 5403(a).

(3) An identification of any problems or obstacles encountered in the implementation of this title.

SEC. 5409. GAO REPORT.

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

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

SEC. 5410. REGULATORY AND OTHER AUTHORITIES; DELEGATION OF AUTHORITIES.

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

(b) DELEGATION OF AUTHORITIES.—The President may delegate the duties and authorities under this title to such officers, officials, departments, or agencies of the
United States Government as the President deems appropriate.