

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**54**

**OFFERED BY MR. GOSAR OF ARIZONA**

Add at the end of title LVIII of division E the following:

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

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

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

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

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

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

6           (c) MEASURES TO PREVENT CIRCUMVENTION.—

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

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

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

14          (d) STATEMENT OF POLICY.— It is the policy of the  
15          United States to promote and facilitate the adoption by  
16          the international community of measures similar to the  
17          measures to prohibit the importation into, or transit  
18          through, the United States of minerals and products pro-  
19          duced with minerals from Afghanistan as described in sec-  
20          tion 4 in order to prevent the funding of terrorist activities  
21          by the Taliban.

22          (e) ENFORCEMENT.—

23                  (1) IN GENERAL.—In addition to the enforce-  
24          ment provisions set forth in subsection (b)—

1 (A) a civil penalty of not to exceed  
2 \$10,000,000 may be imposed on any person  
3 who violates, or attempts to violate, any license,  
4 order, or regulation issued under this Act; and

5 (B) whoever willfully violates, or willfully  
6 attempts to violate, any license, order, or regu-  
7 lation issued under this section shall, upon con-  
8 viction, be fined not more than \$50,000,000, or,  
9 if a natural person, may be imprisoned for not  
10 more than 10 years, or both, and any officer,  
11 director, or agent of any corporation who will-  
12 fully participates in such violation may be pun-  
13 ished by a like fine, imprisonment, or both.

14 (2) IMPORT VIOLATIONS.—Those customs laws  
15 of the United States, both civil and criminal, includ-  
16 ing those laws relating to seizure and forfeiture, that  
17 apply to articles imported in violation of such laws  
18 shall apply with respect to any mineral, or product  
19 produced with minerals, imported in violation of this  
20 Act.

21 (f) TECHNICAL ASSISTANCE.—The President may di-  
22 rect the appropriate departments and agencies of the  
23 United States Government to make available technical as-  
24 sistance to countries seeking to track, monitor, or enforce  
25 the requirements of the Act.

1 (g) OVERSIGHT COORDINATING COMMITTEE.—

2 (1) IN GENERAL.—The President shall establish  
3 an Oversight Coordinating Committee to coordinate  
4 the implementation of this Act.

5 (2) MEMBERSHIP.—The Committee shall be  
6 composed of the following individuals or their des-  
7 ignees:

8 (A) The Secretary of the Treasury and the  
9 Secretary of State, who shall be co-chair-  
10 persons.

11 (B) The Secretary of Commerce.

12 (C) The Secretary of Defense.

13 (D) The United States Trade Representa-  
14 tive.

15 (E) The Secretary of Homeland Security.

16 (F) A representative of any other agency  
17 the President deems appropriate.

18 (h) REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after  
20 the date of the enactment of this section, and every  
21 12 months thereafter for such period as this section  
22 is in effect, the President shall transmit to the Con-  
23 gress a report on the implementation of this section.

1           (2) MATTERS TO BE INCLUDED.—The report  
2           required by subsection (a) shall include the fol-  
3           lowing:

4                   (A) An identification of countries on the  
5                   list of countries required by section 4(c)(1) and  
6                   description of actions taken by such countries  
7                   with respect to the trade of minerals with Af-  
8                   ghanistan and potential uses of products pro-  
9                   duced with minerals from Afghanistan.

10                   (B) A description of whether there is sta-  
11                   tistical information or other evidence to indicate  
12                   efforts to circumvent the prohibition on the im-  
13                   portation into, or transit through, the United  
14                   States of any mineral, or product produced with  
15                   minerals, from Afghanistan under section 4(a).

16                   (C) An identification of any problems or  
17                   obstacles encountered in the implementation of  
18                   this section.

19           (i) GAO REPORT.—

20                   (1) IN GENERAL.—Not later than 2 years after  
21                   the date of the enactment of this section, the Comp-  
22                   troller General of the United States shall submit to  
23                   the Congress a report on the effectiveness of the  
24                   provisions of this section in preventing the importa-

1           tion of minerals or products produced with minerals  
2           from Afghanistan.

3           (2) MATTERS TO BE INCLUDED.—The Comp-  
4           troller General shall include in the report any rec-  
5           ommendations on any modifications to this section  
6           that may be necessary.

7           (j) REGULATORY AND OTHER AUTHORITIES; DELE-  
8           GATION OF AUTHORITIES.—

9           (1) REGULATORY AND OTHER AUTHORITIES.—  
10          The President is authorized to and shall issue such  
11          proclamations, regulations, licenses, and orders, and  
12          conduct such investigations, as may be necessary to  
13          carry out this section.

14          (2) DELEGATION OF AUTHORITIES.—The Presi-  
15          dent may delegate the duties and authorities under  
16          this section to such officers, officials, departments,  
17          or agencies of the United States Government as the  
18          President deems appropriate.

19          (k) DEFINITIONS.—In this section:

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

22               (2) UNITED STATES.—The term “United  
23               States”, when used in the geographic sense, means  
24               the several States, the District of Columbia, and any

1 commonwealth, territory, or possession of the United  
2 States.

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

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

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

12 (C) any person in the United States.

