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:

SEC. _____ 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; or
(3) a fair, free, and democratic government has
control of Afghanistan and is not funding, sup-
porting, 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 per-
son 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) shall keep a full record of, in the form of
reports, blockchain, or otherwise, complete informa-
tion 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 paragraph (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 product produced with minerals, from Afghanistan required under subsection (a).

(d) 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 importation into, or transit through, the United States of minerals and products produced with minerals from Afghanistan as described in section 4 in order to prevent the funding of terrorist activities by the Taliban.

(e) ENFORCEMENT.—

(1) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—
(A) a civil penalty of not to exceed $10,000,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(B) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this section 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, imprisonment, or both.

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

(f) TECHNICAL ASSISTANCE.—The President may direct the appropriate departments and agencies of the United States Government to make available technical assistance to countries seeking to track, monitor, or enforce the requirements of the Act.
(g) OVERSIGHT COORDINATING COMMITTEE.—

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

(2) MEMBERSHIP.—The Committee shall be composed of the following individuals or their designees:

(A) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.

(B) The Secretary of Commerce.

(C) The Secretary of Defense.

(D) The United States Trade Representative.

(E) The Secretary of Homeland Security.

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

(h) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, and every 12 months thereafter for such period as this section is in effect, the President shall transmit to the Congress a report on the implementation of this section.
(2) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(A) An identification of countries on the list of countries required by section 4(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.

(B) 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 4(a).

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

(i) GAO REPORT.—

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

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

(j) REGULATORY AND OTHER AUTHORITIES; DELEGATION OF AUTHORITIES.—

(1) 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 section.

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

(k) DEFINITIONS.—In this section:

(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
(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.