

118TH CONGRESS
1ST SESSION

H. R. 4548

To require a national strategy to secure United States supply chains involving critical minerals sourced from the Democratic Republic of the Congo, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Mr. JAMES (for himself, Mr. BAIRD, Mrs. KIM of California, Mr. MILLS, and Mr. KEAN of New Jersey) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require a national strategy to secure United States supply chains involving critical minerals sourced from the Democratic Republic of the Congo, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Building Relationships
5 and Increasing Democratic Governance through Engage-
6 ment to DRC Act of 2023” or the “BRIDGE to DRC
7 Act of 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States recognized the Demo-
4 cratic Republic of the Congo (hereafter referred to
5 as “the DRC”) on June 30, 1960.

6 (2) The DRC has long suffered from armed
7 conflicts and threats to its territorial integrity, in-
8 cluding by the March 23 Movement (M23), the Al-
9 lied Defense Forces, and the Forces Démocratiques
10 de Liberation du Rwanda (FDLR).

11 (3) The DRC’s instability is further exacer-
12 bated by political instability, endemic corruption, ex-
13 ploitation of its natural resources, armed conflict,
14 gross human rights abuses, and humanitarian crises,
15 which destabilize the region and cause mass human
16 suffering.

17 (4) The DRC is scheduled to conduct presi-
18 dential, legislative, provincial, and local elections in
19 December 2023.

20 (5) The United Nations Stabilization Mission in
21 the Democratic Republic of the Congo (MONUSCO)
22 has failed to stabilize eastern DRC and failed its
23 mandate to protect civilians.

24 (6) The East African Community’s intervention
25 has failed to stem armed conflicts and stabilize east-
26 ern DRC.

1 (7) The DRC has globally significant reserves
2 of rare earth minerals and other critical minerals,
3 including deposits of copper, cobalt, lithium, ni-
4 bium, germanium, and tantalum.

5 (8) The DRC is the world’s largest producer
6 and exporter of cobalt and the world’s second largest
7 producer of copper.

8 (9) The People’s Republic of China (PRC) has
9 a near monopoly of the DRC’s cobalt mining sector,
10 with 15 of the 19 cobalt-producing mines in the
11 DRC being owned or financed by PRC based firms
12 in 2021, which directly contributes to its near mo-
13 nopoly over global critical mineral supply chains.

14 (10) The PRC refines 80 percent of the world’s
15 cobalt and 60 percent of its lithium.

16 (11) The United States National Highway
17 Traffic Safety Administration projects that the tech-
18 nology costs required for manufacturers to adhere to
19 current industrial targets could increase by \$90 bil-
20 lion over the lifetimes of vehicles through 2029, with
21 per-vehicle costs increasing by roughly \$1,110 on av-
22 erage per United States consumer for new vehicles.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) the stability of the Democratic Republic of
2 the Congo is a strategic priority for the United
3 States on the African continent, and it is in the eco-
4 nomic and national security interest of the United
5 States to support accountable, inclusive, and demo-
6 cratic governance in the Democratic Republic of
7 Congo;

8 (2) it is in the United States interest to support
9 additional efforts to end conflict in eastern DRC, in-
10 cluding by seeking to stem the Rwandan Govern-
11 ment's support to the M23, the documented use of
12 child soldiers, and the threat posed to the Congolese
13 people from undisciplined elements of the Armed
14 Forces of the DRC and other non-state armed
15 groups;

16 (3) United States humanitarian assistance re-
17 mains critical in providing millions of people in the
18 DRC with life-saving aid and alleviating the suf-
19 fering of people affected by disasters;

20 (4) as the largest financial contributor to the
21 United Nations Stabilization Mission in the Demo-
22 cratic Republic of the Congo, with an estimated
23 \$313,000,000 in fiscal year 2023 appropriations al-
24 located for the mission, the United States should use
25 its voice, vote, and influence in the United Nations

1 Security Council to support the United Nations pre-
2 existing plan to draw down the Mission not later
3 than December 2024;

4 (5) the current near monopoly of the PRC over
5 the DRC's cobalt and critical mineral extraction and
6 near monopsony of the PRC over the DRC's cobalt
7 and global critical mineral processing and refining
8 deprives the DRC of important revenue and added
9 value, and represents an economic and national se-
10 curity threat for the United States that directly im-
11 pacts United States energy independence and mili-
12 tary preparedness;

13 (6) the United States should ensure develop-
14 ment of voluntary standards, support of multi stake-
15 holder alliances and industry coalitions, and pursue
16 actions to end human rights violations, environ-
17 mental degradation, opaque businesses practices,
18 and widespread forced labor, including child labor, in
19 the DRC's mining industry, a problem exacerbated
20 by PRC linked companies' flagrant disregard for
21 human rights;

22 (7) previous United States policies in regard to
23 the DRC's natural resources and minerals, such as
24 section 1502 of the Dodd-Frank Wall Street Reform
25 and Consumer Protection Act (15 U.S.C. 78m note),

1 have punished the DRC and incentivized illicit trade
2 through the DRC's neighbors; and

3 (8) The sale of the Tenke Fungurume mine in
4 2016, and the undeveloped Kisanfu concession in
5 2020, to the PRC State-tied mining company CMOOC
6 (previously known as China Molybdenum Company
7 Limited) damaged United States economic and na-
8 tional security interests by contributing to the
9 PRC's control of global cobalt supply chains.

10 **SEC. 4. STATEMENT OF POLICY.**

11 It is the policy of the United States to—

12 (1) support the conduct of free, fair, and on
13 time democratic elections in the DRC by advocating
14 for enhanced civic education, an inclusive and trans-
15 parent voter registration process that includes voter
16 access in all provinces, including those where a state
17 of siege declaration applies, and enabling all can-
18 didates to fairly compete, including through respect-
19 ing all candidates' rights to free expression and free
20 assembly;

21 (2) encourage the adoption of measures that
22 ensure the elections in the DRC are free, fair and
23 democratic, including through support for trans-
24 parent tabulation processes, the publication of both
25 preliminary and final electoral results by the Com-

1 mission Électorale Nationale Indépendante (CENI)
2 on its website and polling station premises in an ap-
3 propriate timeframe to allow cross-checking against
4 data gathered by election observers, and broad ac-
5 cess for credible election observation by domestic
6 and international actors including, where appro-
7 priate, civil society and faith-based entities, such as
8 the Conférence Episcopale Nationale du Congo and
9 the Church of Christ in Congo;

10 (3) contribute to efforts to end the M23 con-
11 flict, including by supporting the African Union and
12 East African Community efforts to achieve a lasting
13 ceasefire and restricting all United States security
14 assistance and cooperation to the Government of
15 Rwanda until the Secretary of State certifies to the
16 appropriate committees of Congress that Rwanda
17 has terminated any and all military support for the
18 M23;

19 (4) use existing sanctions authorities authorized
20 by the Global Magnitsky Human Rights Account-
21 ability Act (22 U.S.C. 10101 et seq.) against per-
22 petrators of corruption or human rights violations in
23 the DRC;

24 (5) support efforts to accurately oversee, mon-
25 itor, and prevent labor and human rights abuses in

1 the DRC's mining industry in order to remove child
2 and slave labor from United States supply chains,
3 including by encouraging the Government of the
4 DRC to support the formalization of artisanal and
5 small scale mining;

6 (6) engage with the Government of the DRC to
7 address factors, including opaque business and tax-
8 ation practices, and unpredictable administrative re-
9 quirements, that limit United States investment and
10 constrain the ability of the United States and DRC
11 to strengthen economic cooperation;

12 (7) require institutions including the Depart-
13 ment of State, the United States Agency for Inter-
14 national Development, the Development Finance
15 Corporation, and the Department of Commerce to
16 identify opportunities to increase the amount of
17 United States investment in the DRC's critical min-
18 erals sector; and

19 (8) recognize that the PRC's influence over the
20 DRC's mining sector output and processing is of
21 concern to the economic and national security of the
22 United States.

1 **SEC. 5. NATIONAL STRATEGY TO ENSURE A CONTINUED**
2 **ROLE IN THE DRC'S CRITICAL MINERAL SEC-**
3 **TOR.**

4 (a) IN GENERAL.—Not later than 120 days after the
5 date of enactment of this Act, the President, in consulta-
6 tion with the Secretary of State, the Secretary of Defense,
7 the Administrator of the United States Agency for Inter-
8 national Development, and the heads of other appropriate
9 Federal agencies, shall submit to the appropriate congress-
10 sional committees a written strategy that—

11 (1) identifies the critical minerals present in the
12 DRC that—

13 (A) are part of the United States Geologi-
14 cal Survey list of 50 mineral commodities crit-
15 ical to the United States economy and national
16 security; and

17 (B) are at highest risk of supply chain dis-
18 ruption due to the domestic or global actions,
19 including price-fixing, systemic acquisition and
20 control of global mineral resources and proc-
21 essing, refining, smelting capacity, or undercut-
22 ting the fair market value of such resources, by
23 any covered entity; and

24 (2) is focused on—

1 (A) securing United States supply chains
2 which involve critical minerals sourced from the
3 DRC; and

4 (B) securing and expanding United States
5 supply chains which involve the critical minerals
6 identified pursuant to paragraph (1)(B).

7 (b) ELEMENTS.—The strategy required by subsection
8 (a) shall also include the following:

9 (1) Analysis of the national security implica-
10 tions and impact on national supply chain sov-
11 ereignty caused by the 2016 and 2020 sales of
12 Tenke Fungurume mine and the undeveloped
13 Kisanfu concession to China Molybdenum Company
14 Limited.

15 (2) A review of the effectiveness of section 1502
16 of the Dodd-Frank Wall Street Reform and Con-
17 sumer Protection Act (15 U.S.C. 78m note), includ-
18 ing—

19 (A) a list of all mining companies, grouped
20 by nationality, who left eastern DRC following
21 section 1502's enactment in 2010;

22 (B) analysis showing the market share for
23 the conflict mineral trade in eastern DRC be-
24 fore and after section 1502's enactment which

1 shall include, where possible, market share
2 analysis for 2005, 2010, 2015 and 2020;

3 (C) analysis of the unemployment factors,
4 including disarmament, demobilization, and re-
5 integration efforts, in eastern DRC following
6 section 1502's enactment;

7 (D) analysis of security sector reform ef-
8 forts in eastern DRC since section 1502's en-
9 actment;

10 (E) an assessment of the effectiveness of
11 section 1502 in limiting financial benefits from
12 accruing, either directly or indirectly, to armed
13 groups in the DRC or adjoining countries; and

14 (F) analysis of the level of illicit mining
15 that has occurred in eastern DRC's conflict
16 mineral trade following section 1502's enact-
17 ment, which shall include—

18 (i) statistical analysis showing the de-
19 gree of illegal smuggling of conflict min-
20 erals into adjoining countries; and

21 (ii) an assessment of the level of co-
22 ordination and cooperation in the illegal
23 smuggling of conflict minerals between ad-
24 joining countries and non-state armed ac-
25 tors present in eastern DRC.

1 (3) An analysis of the level of control exerted
2 by the PRC over the DRC’s mining sector, includ-
3 ing—

4 (A) the market share of covered entities
5 which shall include analysis of the market share
6 for each of the critical minerals identified pur-
7 suant to subsection (a)(1)(B) in both the DRC
8 as a whole and within each province where the
9 critical minerals are located;

10 (B) the financial terms of covered entities
11 investments in primary extraction; and

12 (C) a diagram detailing the location of cov-
13 ered entities operations throughout the supply
14 chain of the critical minerals identified in sub-
15 section (a)(1)(B) from extraction to refinement.

16 (4) A list of each covered entity analyzed with
17 respect to the evaluation of risk required by sub-
18 section (a)(1)(B).

19 (5) An assessment of the risks facing United
20 States supply chains as a result of the PRC’s posi-
21 tion in the DRC’s mining sector.

22 (6) An assessment of human rights and labor
23 conditions at mines in the DRC at which covered en-
24 tities operate.

1 (7) An assessment of the market share and ca-
2 pacity of trusted partner nations’ mining companies
3 with respect to the DRC’s mining sector.

4 (8) A strategic plan to use bilateral and multi-
5 lateral diplomatic relations, including through sus-
6 tained engagement with the governments of United
7 States allies and partners, to express to the Govern-
8 ment of the DRC the support of the international
9 community for the formalization of artisanal and
10 small scale mining.

11 (9) An assessment of the factors that allowed
12 the PRC to gain market dominance in parts of the
13 DRC’s mining industry and which factors present
14 the most significant barriers to increased United
15 States investment in the DRC’s mining sector.

16 (10) An assessment of the ability of the DRC’s
17 critical mineral sector to positively contribute to
18 United States efforts to fulfill both industrial pro-
19 duction targets and ensure military preparedness,
20 that includes—

21 (A) analysis of the importance of the crit-
22 ical minerals in the DRC, as identified by sub-
23 section (a)(1)(B), in reaching current United
24 States industrial production targets;

1 (B) analysis of the DRC's business cli-
2 mate, specifically the reliability, transparency
3 and consistency of its business practices;

4 (C) evaluation of the impact of the factors
5 identified in sections (b)(3), (b)(5), (b)(7),
6 (b)(9) and (b)(10)(B) of this strategy on the
7 ability of the United States to secure its critical
8 mineral supply chains.

9 (11) An interagency approved plan to increase
10 United States investment in the DRC, including
11 through—

12 (A) increasing technical assistance and ca-
13 pacity building measures and conducting feasi-
14 bility studies to rebuild infrastructure and re-
15 form the DRC's business climate, including
16 through reforms to the governance of the
17 DRC's State-owned enterprises (SOEs), in
18 order to support domestic innovation and eco-
19 nomic diversification, and increase local sub-
20 contracting and private sector-led growth;

21 (B) ensuring foreign assistance initiatives
22 promote sustainable development in commu-
23 nities affected by mining, protect human rights,
24 and provide professional training for local work-
25 ers; and

1 (C) assessing staffing levels at the United
2 States Embassy in Kinshasa, and increasing
3 them if necessary, including having at least 1
4 Foreign Service Officer exclusively dedicated to
5 critical minerals, to reflect the importance of
6 the DRC to United States supply chains and
7 enhance the competitiveness of United States
8 development financing including through the
9 United States International Development Fi-
10 nance Corporation and the Foreign Commercial
11 Service.

12 (c) FORM.—The strategy required under subsection
13 (a) shall be submitted in unclassified form and may in-
14 clude a classified annex.

15 (d) UPDATES.—Not later than 3 years after the sub-
16 mission of the initial strategy required by subsection (a),
17 and every 3 years thereafter, the President shall submit
18 to the appropriate congressional committees a report that
19 includes—

20 (1) an update of the strategy submitted pursu-
21 ant to subsection (a); and

22 (2) an assessment of the effectiveness of such
23 strategy, as of the date of the submission of the up-
24 date, in securing United States supply chains which
25 rely on critical minerals sourced from the DRC.

1 (e) DEFINITIONS.—

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term “appropriate Congressional Com-
4 mittees” means—

5 (A) the Committee on Foreign Affairs, the
6 Committee on Appropriations, the Committee
7 on Financial Services, and the Committee on
8 Ways and Means of the House of Representa-
9 tives; and

10 (B) the Committee on Foreign Relations,
11 the Committee on Appropriations, and the
12 Committee on Banking, Housing, and Urban
13 Affairs of the Senate.

14 (2) ARMED GROUP.—The term “armed group”
15 means an armed state or non-state actor that is
16 identified as a perpetrator of serious human rights
17 abuses in the Department of State’s annual Country
18 Reports on Human Rights Practices.

19 (3) CONFLICT MINERAL.—The term “conflict
20 mineral” means columbite-tantalite (coltan), cas-
21 siterite, gold, wolframite, or their derivatives, or any
22 other mineral or its derivatives that the Secretary of
23 State determines to be financing conflict in the DRC
24 or an adjoining country.

1 (4) COVERED ENTITY.—The terms “covered en-
2 tity” means a foreign entity that—

3 (A) is subject to the jurisdiction or direc-
4 tion of the PRC;

5 (B) is legally registered or internationally
6 headquartered in the PRC;

7 (C) is directly operating on behalf of the
8 PRC;

9 (D) is majority owned by, or directly or in-
10 directly controlled by, the PRC;

11 (E) receives funding, either directly or in-
12 directly, from the Government of the PRC,
13 PRC State policy banks, or any other bank that
14 is financed primarily by the PRC;

15 (F) that is formed from a spin-off, merger
16 or acquisition, or sale of a business unit involv-
17 ing an entity described in any of subparagraphs
18 (A) through (E) or is otherwise a successor to
19 such an entity; or

20 (G) provides financial services for an entity
21 described in any of subparagraphs (A) through
22 (F).

23 (5) DRC.—The term “DRC” means the Demo-
24 cratic Republic of the Congo.

1 (6) PRC.—The term “PRC” means the People’s
2 Republic of China.

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