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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To require the Secretary of State to annually issue a list of of People’s Republic of China-origin entities carrying out mining involving forced labor or causing environmental harm in certain African countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MILLER of Ohio introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Secretary of State to annually issue a list of of People’s Republic of China-origin entities carrying out mining involving forced labor or causing environmental harm in certain African countries, 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 “China-Africa Mining
5 Transparency Act”.

1 **SEC. 2. ANNUAL LIST OF PRC ENTITIES CARRYING OUT**
2 **MINING INVOLVING FORCED LABOR OR**
3 **CAUSING ENVIRONMENTAL HARM IN CER-**
4 **TAIN AFRICAN COUNTRIES.**

5 (a) DEFINITIONS.—In this Act:

6 (1) ARTISANAL AND SMALL-SCALE MINING.—

7 The term “artisanal and small-scale mining” means
8 a form of mining common in the developing world
9 that—

10 (A) typically employs rudimentary and low-
11 cost extractive technologies and manual labor-
12 intensive techniques;

13 (B) is frequently subject to limited regula-
14 tion; and

15 (C) often features inhumane, harsh and
16 dangerous working conditions.

17 (4) CRITICAL MINERAL.—The term “critical
18 mineral” has the meaning given that term in section
19 7002(a) of the Energy Act of 2020 (30 U.S.C.
20 1606(a)).

21 (5) ENVIRONMENTAL HARM TO A PROTECTED
22 AREA.—The term “environmental harm to a pro-
23 tected area” means damage to the environment of a
24 protected area, such as—

1 (A) contamination of water resources,
2 streams, rivers, lakes, or other bodies of water,
3 including wells, aquifers, or soil;

4 (B) soil degradation or erosion; or

5 (C) degradation of aquatic or terrestrial
6 ecosystems or biodiversity loss

7 (7) FORCED LABOR.—The term “forced labor”
8 has the meaning given that term in section 307 of
9 the Tariff Act of 1930 (19 U.S.C. 1307).

10 (8) LARGE-SCALE MINING.—The term “large-
11 scale mining” means capital-intensive, usually highly
12 mechanized, typically industrial-scale mining carried
13 out by large commercial entities.

14 (9) PRC ENTITY.—The term “PRC entity”
15 means—

16 (A) an entity under the ownership, control,
17 or influence of—

18 (i) the Government of the People’s
19 Republic of China;

20 (ii) the Chinese Communist Party; or

21 (iii) a military, intelligence, or para-
22 military entity of the Communist Party of
23 China or the People’s Republic of China;

24 (B) an entity that is organized under the
25 laws of, or otherwise subject to the jurisdiction

1 of, the People’s Republic of China (including
2 Hong Kong and Macau);

3 (C) an entity majority-owned, majority-
4 controlled, or majority-financed by an entity de-
5 scribed in subparagraph (A) or (B); or

6 (D) a parent, subsidiary, affiliate, or con-
7 tractor of an entity described in subparagraph
8 (A), (B), or (C), including a joint venture in
9 which an entity described in subparagraph (A),
10 (B), or (C) holds a controlling interest.

11 (10) PROTECTED AREA.—The term “protected
12 area” means any area that has received protected
13 status in the country in which the area is located,
14 such as a national park, game refuge, ecosystem re-
15 serve, or other nature preserve.

16 (11) RELEVANT CONGRESSIONAL COMMIT-
17 TEES.—The term “relevant congressional commit-
18 tees” means the Committee on Foreign Relations of
19 the Senate and the Committee on Foreign Affairs of
20 the House of Representatives.

21 (b) IN GENERAL.—Not less frequently than once
22 each year during the 5-year period beginning on the date
23 of the enactment of this Act, the Secretary of State shall
24 submit to the relevant congressional committees, and

1 make publicly available, including on the internet, a list
2 of—

3 (1) each PRC entity that the Secretary reason-
4 ably assesses is carrying out mining, including large-
5 scale mining or artisanal and small-scale mining, of
6 critical minerals, gold, or iron in the Democratic Re-
7 public of the Congo, Nigeria, Guinea, Zambia, South
8 Africa, or Zimbabwe or other African countries—

9 (A) using forced labor; or

10 (B) in a manner that causes environmental
11 harm to a protected area in the country con-
12 cerned; and

13 (2) each mine, mining zone, or concession at
14 which such mining is carried out.

15 (c) DEVELOPMENT OF LIST.—In developing each list
16 required by subsection (b), the Secretary of State shall—

17 (1) use open-source information, including from
18 press sources and academic, non-profit, and other
19 non-state research organizations or individual re-
20 searchers, and information received, collected, or
21 otherwise obtained by United States embassies; and

22 (2) consult with the Secretary of Labor,
23 through the Bureau of International Labor Affairs
24 of the Department of Labor, the Secretary of Com-
25 merce, Secretary of the Treasury, the Director of

1 National Intelligence, and other heads of Federal de-
2 partments and agencies, and the foreign country
3 counterparts of such individuals in the listed coun-
4 tries in subsection (b)(1), as applicable.

5 (d) FORM.—Each list required by subsection (b) shall
6 be made publicly available and submitted to the relevant
7 congressional committees in unclassified form, but the
8 version submitted to the relevant congressional commit-
9 tees may include a classified annex, if warranted.