

118TH CONGRESS
2D SESSION

H. R. 8310

To require strategies on United States policy towards the Democratic Republic of the Congo, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2024

Mr. JAMES (for himself and Mr. JACKSON of Illinois) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 strategies on United States policy towards 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 “Bipartisan Building
5 Relationships and Increasing Democratic Governance
6 through Engagement to DRC Act of 2024” or the “Bipar-
7 tisan BRIDGE to DRC Act of 2024”.

8 **SEC. 2. FINDINGS.**

9 Congress finds the following:

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

4 (2) The DRC has long suffered from armed
5 conflicts and threats to its territorial integrity, in-
6 cluding by the March 23 Movement (hereafter re-
7 ferred to as “M23”), ISIS–DRC, also known as the
8 Allied Democratic Forces, and the Forces
9 Démocratiques de Liberation du Rwanda (hereafter
10 referred to as “FDLR”).

11 (3) Political stability in the DRC is crucial to
12 economic growth and development in the country.
13 The DRC’s instability is further exacerbated by im-
14 punity, endemic corruption, exploitation of its nat-
15 ural resources, armed conflict, and human rights
16 abuses.

17 (4) The DRC held presidential, legislative, pro-
18 vincial, and municipal council elections in December
19 2023, that were marred by irregularities, logistical
20 difficulties and delays.

21 (5) The United Nations Stabilization Mission in
22 the Democratic Republic of the Congo (hereafter re-
23 ferred to as “MONUSCO”), first deployed in 1999,
24 is scheduled to draw down.

1 (6) Regional mechanisms have been unable to
2 sufficiently address the longstanding insecurity.

3 (7) The DRC has globally significant reserves
4 of cobalt and other critical minerals, including lith-
5 ium, tantalum, and rare earth elements such as ni-
6 bium and germanium, among others.

7 (8) The DRC is the world’s largest producer
8 and exporter of cobalt and, as of mid-2023, the
9 world’s second largest producer of copper.

10 (9) As of 2021, 15 of the 19 cobalt producing
11 mines in the DRC are owned or in part financed by
12 the People’s Republic of China (hereafter referred to
13 as “PRC”) based firms.

14 (10) In 2016, one of the largest copper and co-
15 balt mines in the world, Tenke Fungurume, and in
16 2020, the undeveloped Kisanfu concession were sold
17 by a United States company to the PRC state-tied
18 mining company CMOC (previously known as China
19 Molybdenum Company Limited).

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) the stability of the Democratic Republic of
23 the Congo is a strategic priority for the people of the
24 DRC, the continent of Africa, and the United
25 States, and it is in the economic and national secu-

1 rity interest of the United States to support ac-
2 countable, inclusive, and democratic governance in
3 the Democratic Republic of Congo;

4 (2) it is in the United States interest to support
5 additional efforts to end conflicts in eastern DRC,
6 including by seeking to end the Rwandan Govern-
7 ment's support to the M23, the DRC Government's
8 support to the FDLR, the documented use of child
9 soldiers by armed groups, and the threat posed to
10 the Congolese people from undisciplined elements of
11 the armed forces of the DRC and non-state armed
12 groups;

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

17 (4) the United States should use its voice, vote,
18 and influence in the United Nations to ensure that
19 the withdrawal of MONUSCO from the DRC does
20 not create a security vacuum that amplifies the
21 armed conflict and humanitarian crisis in eastern
22 DRC;

23 (5) the United States should identify policy re-
24 forms that would support the aspirations of the

1 DRC Government to become eligible for a Millennium
2 Challenge Corporation threshold program;

3 (6) the United States should build on the Africa
4 Gold Advisory issued in June 2023 and encourage
5 enterprises active in the mineral supply chain of gold
6 produced in the Democratic Republic of the Congo,
7 notably Primera Gold DRC and AuricHub, to ensure
8 that their sourcing practices are in full compliance
9 with national, regional, and international require-
10 ments and standards and benefit the Congolese peo-
11 ple;

12 (7) the United States should work to ensure en-
13 forcement of voluntary and mandatory due diligence
14 mechanisms and safeguards to protect internation-
15 ally recognized worker rights, support multi stake-
16 holder alliances and industry coalitions, and pursue
17 actions to end human rights violations, environ-
18 mental degradation, and opaque businesses practices
19 in the DRC's mining sector, and especially in regard
20 to artisanal mining, the United States should assist
21 and work to ensure that forced labor, including child
22 labor, and other human rights abuses are not prac-
23 ticed; and

24 (8) the current dominant role of the PRC over
25 the extraction, processing and refining of the DRC's

1 cobalt and certain other critical minerals, coupled
2 with poor governance and illegal exploitation of crit-
3 ical minerals, deprives the DRC of important rev-
4 enue and added value and has contributed to the
5 lack of adherence to governance, human rights prin-
6 ciples, and labor and environmental standards.

7 **SEC. 4. STATEMENT OF POLICY.**

8 It is the policy of the United States to—

9 (1) support efforts to address conflict and in-
10 stability in the DRC, including to urge armed actors
11 to comply with their obligations to protect civilians
12 under international humanitarian law and to respect
13 international human rights;

14 (2) use existing sanctions authorities including
15 the Global Magnitsky Human Rights Accountability
16 Act (22 U.S.C. 10101 et seq.), Executive Order
17 13413 as amended by Executive Order 13671, and
18 Executive Order 13224 as amended against those
19 perpetrating corruption or human rights violations
20 in the DRC;

21 (3) condemn all actions that suppress press
22 freedom and to reaffirm to the Government of the
23 DRC the centrality of press freedom to efforts of the
24 United States Government to support democracy,
25 mitigate conflict, and promote good governance;

1 (4) ensure that critical minerals are produced,
2 processed, and recycled in a manner that supports
3 the ability of countries to realize the full economic
4 development benefit of their geological endowments
5 and that respects human rights as well as environ-
6 mental, social, labor, and governance standards;

7 (5) support efforts to accurately oversee, mon-
8 itor, and prevent labor and human rights abuses in
9 the DRC's mining industry in order to remove child
10 and forced labor, which occurs in some artisanal
11 mining, from United States and global supply
12 chains, including by encouraging the Government of
13 the DRC to support business and technological
14 skills-training and other capacity-building measures,
15 including legal reforms, to help build the legitimate,
16 responsible, conflict-free, productive and income-gen-
17 erating capacity of the artisanal and small-scale
18 mining sector;

19 (6) engage with the Government of the DRC to
20 address factors, including opaque business and tax-
21 ation practices, and unpredictable administrative re-
22 quirements, that limit United States investment and
23 constrain the ability of the United States and the
24 DRC to strengthen economic cooperation;

1 (7) encourage Federal departments and agen-
2 cies including the Department of State, the United
3 States Agency for International Development, the
4 United States Development Finance Corporation,
5 the Export-Import Bank of the United States, the
6 United States Trade and Development Agency, and
7 the Department of Commerce to identify opportuni-
8 ties to increase the amount of United States invest-
9 ment in the DRC’s critical minerals sector; and

10 (8) recognize that the PRC’s influence over the
11 DRC’s mining sector output and processing is harm-
12 ful to the Congolese people, in particular the preda-
13 tory and opaque business tactics and labor rights
14 violations of PRC-linked entities.

15 **SEC. 5. STRATEGY ON DEMOCRACY, PEACE, AND STABILITY**
16 **IN THE DRC.**

17 (a) **IN GENERAL.**—Not later than 180 days after the
18 date of enactment of this Act, the President, in consulta-
19 tion with the Secretary of State, the Secretary of Defense,
20 and the Administrator of the United States Agency for
21 International Development, shall submit to the appro-
22 priate congressional committees a strategy to promote de-
23 mocracy, peace, and stability in the DRC. Such strategy
24 shall include the following—

1 (1) a long-term plan for the United States to
2 support and promote democracy and good govern-
3 ance in the DRC, including—

4 (A) identifying specific failures in the Na-
5 tional Independent Electoral Commission’s
6 2023 election planning that contributed to the
7 pre-election voter roll issues and logistical
8 delays in distributing ballot materials and the
9 election day irregularities regarding polling sta-
10 tion openings and voting machine performance,
11 to ensure that future elections are free and fair;
12 and

13 (B) identifying necessary reforms to gov-
14 ernment institutions to address corruption, pro-
15 mote human rights, and increase transparency
16 and accountability;

17 (2) a plan to address conflict and instability in
18 eastern DRC, including support for—

19 (A) plans to promote more transparent co-
20 ordination among various state security actors;

21 (B) a vetting mechanism to remove abusive
22 officers from command positions in the state se-
23 curity forces;

1 (C) an effective Disarmament, Demobiliza-
2 tion, and Reintegration (DDR) program for
3 former combatants;

4 (D) encouraging greater protection of civil-
5 ians and human rights;

6 (E) truth and reconciliation processes to
7 address grievances of parties to the conflict;
8 and

9 (F) preventing and addressing human
10 rights abuses by all parties; and

11 (G) an inclusive and holistic approach to
12 justice and accountability for perpetrators of
13 human rights violations and atrocities.

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

17 (c) UPDATES.—Not later than 3 years after the sub-
18 mission of the initial strategy required by subsection (a),
19 and every 3 years thereafter for 12 years, the President
20 shall submit to the appropriate congressional committees
21 a report that includes—

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

1 (2) an assessment of the effectiveness of such
2 strategy, as of the date of the submission of the up-
3 date.

4 **SEC. 6. NATIONAL STRATEGY ON THE DRC'S CRITICAL MIN-**
5 **ERAL SECTOR.**

6 (a) **IN GENERAL.**—Not later than 180 days after the
7 date of enactment of this Act, the President, in consulta-
8 tion with the Secretary of State, the Administrator of the
9 United States Agency for International Development, and
10 the heads of other appropriate Federal departments and
11 agencies, shall submit to the appropriate congressional
12 committees a written strategy to support efforts by the
13 DRC to ensure critical minerals are produced, processed,
14 and recycled in a manner that—

15 (1) supports the ability of the people of the
16 DRC to realize the full economic development ben-
17 efit of their geological endowments; and

18 (2) adheres to the highest human rights as well
19 as environmental, social, labor, and governance
20 standards.

21 (b) **ELEMENTS.**—The strategy required by subsection
22 (a) shall also include the following:

23 (1) An analysis of the level of control exerted
24 by the PRC over the DRC's mining sector, includ-
25 ing—

1 (A) the market share of PRC-linked enti-
2 ties in the DRC's mining sector, to include
3 analysis of the market share for each of the
4 critical minerals identified as part of the United
5 States Geological Survey list of 50 mineral com-
6 modities critical to the United States economy
7 and national security and being at the highest
8 risk of supply chain disruption in both the DRC
9 as a whole and within each province where the
10 critical minerals are located; and

11 (B) the financial terms of PRC-linked enti-
12 ties investments in primary extraction.

13 (2) An assessment of human rights and labor
14 conditions at PRC-owned mines in the DRC com-
15 pared to those owned by partner countries.

16 (3) An assessment of the market share and ca-
17 pacity of partner country mining companies with re-
18 spect to the DRC's mining sector.

19 (4) An assessment of illicit mining deals, crit-
20 ical mineral theft, and corruption in resource rich
21 areas of the DRC.

22 (5) A plan to facilitate consultation with Congo-
23 lese civil society and community leaders to develop
24 a comprehensive and holistic strategy to achieve the
25 goals in subsection (a).

1 (6) A strategic plan to use bilateral and multi-
2 lateral diplomatic relations, including through sus-
3 tained engagement with the governments of United
4 States allies and partners, to express to the Govern-
5 ment of the DRC that the international community
6 supports business and technological skills-training
7 and other capacity-building measures, including legal
8 reforms, to help build the legitimate, responsible,
9 and conflict-free productive and income-generating
10 capacities of the artisanal and small-scale mining
11 sector to the benefit of the Congolese people.

12 (7) A plan to ensure the issuance of due dili-
13 gence reporting requirements for private sector enti-
14 ties engaged in the sector in the DRC.

15 (8) An interagency plan to increase United
16 States investment in the DRC, including through—

17 (A) providing foreign assistance to consult
18 with and promote sustainable development in
19 communities affected by mining, protect human
20 rights, and provide professional training for
21 local workers;

22 (B) providing technical assistance to sup-
23 port the Government of the DRC's efforts to
24 improve the business climate of the DRC; and

1 (C) ensuring sufficient staffing of the
2 United States Embassy in Kinshasa to support
3 the critical minerals portfolio, including by es-
4 tablishing a permanent presence of Foreign
5 Commercial Service Officers to provide commer-
6 cial services and export assistance to United
7 States companies seeking to do business in the
8 DRC.

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

12 (d) UPDATES.—Not later than 3 years after the sub-
13 mission of the initial strategy required by subsection (a),
14 and every 3 years thereafter for 12 years, the President
15 shall submit to the appropriate congressional committees
16 a report that includes—

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

19 (2) an assessment of the effectiveness of such
20 strategy, as of the date of the submission of the up-
21 date.

22 **SEC. 7. DEFINITIONS.**

23 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

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

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

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

18 (3) CRITICAL MINERAL.—The term “critical
19 mineral” has the meaning given that term in section
20 7002(a) of the Energy Act of 2020 (30 U.S.C.
21 1606(a)).

22 (4) PRC-LINKED ENTITY.—The term “PRC-
23 linked entity” means a foreign entity that—

24 (A) is subject to the jurisdiction or direc-
25 tion of the PRC;

1 (B) is legally registered or internationally
2 headquartered in the PRC;

3 (C) is directly operating on behalf of the
4 PRC;

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

7 (E) is formed from a spin-off, merger or
8 acquisition, or sale of a business unit involving
9 an entity described in any of subparagraphs (A)
10 through (D) or is otherwise a successor to such
11 an entity; or

12 (F) provides financial services for an entity
13 described in any of subparagraphs (A) through
14 (E).

15 (5) PARTNER COUNTRY.—The term “partner
16 country” means any country that is not defined as
17 a “Foreign Country of Concern” under section
18 231.102 of title 15, Code of Federal Regulations, or
19 any successor regulation.

○