

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MR. MILLER OF OHIO**

At the appropriate place, insert the following:

1 **SEC. ____ . 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 section:

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

1 7002(a) of the Energy Act of 2020 (30 U.S.C.
2 1606(a)).

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

7 (A) contamination of water resources,
8 streams, rivers, lakes, or other bodies of water,
9 including wells, aquifers, or soil;

10 (B) soil degradation or erosion; or

11 (C) degradation of aquatic or terrestrial
12 ecosystems or biodiversity loss

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

16 (8) LARGE-SCALE MINING.—The term “large-
17 scale mining” means capital-intensive, usually highly
18 mechanized, typically industrial-scale mining carried
19 out by large commercial entities.

20 (9) PRC ENTITY.—The term “PRC entity”
21 means—

22 (A) an entity under the ownership, control,
23 or influence of—

24 (i) the Government of the People’s
25 Republic of China;

1 (ii) the Chinese Communist Party; or

2 (iii) a military, intelligence, or para-
3 military entity of the Communist Party of
4 China or the People's Republic of China;

5 (B) an entity that is organized under the
6 laws of, or otherwise subject to the jurisdiction
7 of, the People's Republic of China (including
8 Hong Kong and Macau);

9 (C) an entity majority-owned, majority-
10 controlled, or majority-financed by an entity de-
11 scribed in subparagraph (A) or (B); or

12 (D) a parent, subsidiary, affiliate, or con-
13 tractor of an entity described in subparagraph
14 (A), (B), or (C), including a joint venture in
15 which an entity described in subparagraph (A),
16 (B), or (C) holds a controlling interest.

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

22 (11) RELEVANT CONGRESSIONAL COMMIT-
23 TEES.—The term “relevant congressional commit-
24 tees” means the Committee on Foreign Relations of

1 the Senate and the Committee on Foreign Affairs of
2 the House of Representatives.

3 (b) IN GENERAL.—Not less frequently than once
4 each year during the 5-year period beginning on the date
5 of the enactment of this Act, the Secretary of State shall
6 submit to the relevant congressional committees, and
7 make publicly available, including on the internet, a list
8 of—

9 (1) each PRC entity that the Secretary reason-
10 ably assesses is carrying out mining, including large-
11 scale mining or artisanal and small-scale mining, of
12 critical minerals, gold, or iron in the Democratic Re-
13 public of the Congo, Nigeria, Guinea, Zambia, South
14 Africa, or Zimbabwe or other African countries—

15 (A) using forced labor; or

16 (B) in a manner that causes environmental
17 harm to a protected area in the country con-
18 cerned; and

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

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

23 (1) use open-source information, including from
24 press sources and academic, non-profit, and other
25 non-state research organizations or individual re-

1 searchers, and information received, collected, or
2 otherwise obtained by United States embassies; and

3 (2) consult with the Secretary of Labor,
4 through the Bureau of International Labor Affairs
5 of the Department of Labor, the Secretary of Com-
6 merce, Secretary of the Treasury, the Director of
7 National Intelligence, and other heads of Federal de-
8 partments and agencies, and the foreign country
9 counterparts of such individuals in the listed coun-
10 tries in subsection (b)(1), as applicable.

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

