

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8310
OFFERED BY MR. JAMES OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Bipartisan Building
3 Relationships and Increasing Democratic Governance
4 through Engagement to DRC Act of 2024” or the “Bipar-
5 tisan BRIDGE to DRC Act of 2024”.

6 SEC. 2. FINDINGS.

7 Congress finds the following:

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

11 (2) The DRC has long suffered from armed
12 conflicts and threats to its territorial integrity, in-
13 cluding by the March 23 Movement (hereafter re-
14 ferred to as “M23”), ISIS–DRC, also known as the
15 Allied Democratic Forces, and the Forces
16 Démocratiques de Liberation du Rwanda (hereafter
17 referred to as “FDLR”).

1 (3) Political stability in the DRC is crucial to
2 economic growth and development in the country.
3 The DRC's instability is further exacerbated by im-
4 punity, endemic corruption, exploitation of its nat-
5 ural resources, armed conflict, and human rights
6 abuses.

7 (4) The DRC held presidential, legislative, pro-
8 vincial, and municipal council elections in December
9 2023, that were marred by irregularities, logistical
10 difficulties and delays.

11 (5) The United Nations Stabilization Mission in
12 the Democratic Republic of the Congo (hereafter re-
13 ferred to as "MONUSCO"), first deployed in 1999,
14 is scheduled to draw down.

15 (6) Regional mechanisms have been unable to
16 sufficiently address the longstanding insecurity.

17 (7) The DRC has globally significant reserves
18 of cobalt and other critical minerals, including lith-
19 ium, tantalum, and rare earth elements such as nio-
20 bium and germanium, among others.

21 (8) The DRC is the world's largest producer
22 and exporter of cobalt and, as of mid-2023, the
23 world's second largest producer of copper.

24 (9) As of 2021, 15 of the 19 cobalt producing
25 mines in the DRC are owned or in part financed by

1 the People’s Republic of China (hereafter referred to
2 as “PRC”) based firms.

3 (10) In 2016, one of the largest copper and co-
4 balt mines in the world, Tenke Fungurume, and in
5 2020, the undeveloped Kisanfu concession were sold
6 by a United States company to the PRC state-tied
7 mining company CMOC (previously known as China
8 Molybdenum Company Limited).

9 **SEC. 3. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the stability of the Democratic Republic of
12 the Congo is a strategic priority for the people of the
13 DRC, the continent of Africa, and the United
14 States, and it is in the economic and national secu-
15 rity interest of the United States to support ac-
16 countable, inclusive, and democratic governance in
17 the Democratic Republic of Congo;

18 (2) it is in the United States interest to support
19 additional efforts to end conflicts in eastern DRC,
20 including by seeking to end the Rwandan Govern-
21 ment’s support to the M23, the DRC Government’s
22 support to the FDLR, the documented use of child
23 soldiers by armed groups, and the threat posed to
24 the Congolese people from undisciplined elements of

1 the armed forces of the DRC and non-state armed
2 groups;

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

7 (4) the United States should use its voice, vote,
8 and influence in the United Nations to ensure that
9 the withdrawal of MONUSCO from the DRC does
10 not create a security vacuum that amplifies the
11 armed conflict and humanitarian crisis in eastern
12 DRC;

13 (5) the United States should identify policy re-
14 forms that would support the aspirations of the
15 DRC Government to become eligible for a Millenium
16 Challenge Corporation threshold program;

17 (6) the United States should build on the Africa
18 Gold Advisory issued in June 2023 and encourage
19 enterprises active in the mineral supply chain of gold
20 produced in the Democratic Republic of the Congo,
21 notably Primera Gold DRC and AuricHub, to ensure
22 that their sourcing practices are in full compliance
23 with national, regional, and international require-
24 ments and standards and benefit the Congolese peo-
25 ple;

1 (7) the United States should work to ensure en-
2 forcement of voluntary and mandatory due diligence
3 mechanisms and safeguards to protect internation-
4 ally recognized worker rights, support multi stake-
5 holder alliances and industry coalitions, and pursue
6 actions to end human rights violations, environ-
7 mental degradation, and opaque businesses practices
8 in the DRC’s mining sector, and especially in regard
9 to artisanal mining, the United States should assist
10 and work to ensure that forced labor, including child
11 labor, and other human rights abuses are not prac-
12 ticed; and

13 (8) the current dominant role of the PRC over
14 the extraction, processing and refining of the DRC’s
15 cobalt and certain other critical minerals, coupled
16 with poor governance and illegal exploitation of crit-
17 ical minerals, deprives the DRC of important rev-
18 enue and added value and has contributed to the
19 lack of adherence to governance, human rights prin-
20 ciples, and labor and environmental standards.

21 **SEC. 4. STATEMENT OF POLICY.**

22 It is the policy of the United States to—

23 (1) support efforts to address conflict and in-
24 stability in the DRC, including to urge armed actors
25 to comply with their obligations to protect civilians

1 under international humanitarian law and to respect
2 international human rights;

3 (2) use existing sanctions authorities including
4 the Global Magnitsky Human Rights Accountability
5 Act (22 U.S.C. 10101 et seq.), Executive Order
6 13413 as amended by Executive Order 13671, and
7 Executive Order 13224 as amended against those
8 perpetrating corruption or human rights violations
9 in the DRC;

10 (3) condemn all actions that suppress press
11 freedom and to reaffirm to the Government of the
12 DRC the centrality of press freedom to efforts of the
13 United States Government to support democracy,
14 mitigate conflict, and promote good governance;

15 (4) ensure that critical minerals are produced,
16 processed, and recycled in a manner that supports
17 the ability of countries to realize the full economic
18 development benefit of their geological endowments
19 and that respects human rights as well as environ-
20 mental, social, labor, and governance standards;

21 (5) support efforts to accurately oversee, mon-
22 itor, and prevent labor and human rights abuses in
23 the DRC's mining industry in order to remove child
24 and forced labor, which occurs in some artisanal
25 mining, from United States and global supply

1 chains, including by encouraging the Government of
2 the DRC to support business and technological
3 skills-training and other capacity-building measures,
4 including legal reforms, to help build the legitimate,
5 responsible, conflict-free, productive and income-gen-
6 erating capacity of the artisanal and small-scale
7 mining sector;

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

14 (7) encourage Federal departments and agen-
15 cies including the Department of State, the United
16 States Agency for International Development, the
17 United States Development Finance Corporation,
18 the Export-Import Bank of the United States, the
19 United States Trade and Development Agency, and
20 the Department of Commerce to identify opportuni-
21 ties to increase the amount of United States invest-
22 ment in the DRC's critical minerals sector; and

23 (8) recognize that the PRC's influence over the
24 DRC's mining sector output and processing is harm-
25 ful to the Congolese people, in particular the preda-

1 tory and opaque business tactics and labor rights
2 violations of PRC-linked entities.

3 **SEC. 5. STRATEGY ON DEMOCRACY, PEACE, AND STABILITY**
4 **IN THE DRC.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the President, in consulta-
7 tion with the Secretary of State, the Secretary of Defense,
8 and the Administrator of the United States Agency for
9 International Development, shall submit to the appro-
10 priate congressional committees a strategy to promote de-
11 mocracy, peace, and stability in the DRC. Such strategy
12 shall include the following—

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

16 (A) identifying specific failures in the Na-
17 tional Independent Electoral Commission’s
18 2023 election planning that contributed to the
19 pre-election voter roll issues and logistical
20 delays in distributing ballot materials and the
21 election day irregularities regarding polling sta-
22 tion openings and voting machine performance,
23 to ensure that future elections are free and fair;
24 and

1 (B) identifying necessary reforms to gov-
2 ernment institutions to address corruption, pro-
3 mote human rights, and increase transparency
4 and accountability;

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

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

9 (B) a vetting mechanism to remove abusive
10 officers from command positions in the state se-
11 curity forces;

12 (C) an effective Disarmament, Demobiliza-
13 tion, and Reintegration (DDR) program for
14 former combatants;

15 (D) encouraging greater protection of civil-
16 ians and human rights;

17 (E) truth and reconciliation processes to
18 address grievances of parties to the conflict;
19 and

20 (F) preventing and addressing human
21 rights abuses by all parties; and

22 (G) an inclusive and holistic approach to
23 justice and accountability for perpetrators of
24 human rights violations and atrocities.

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

4 (c) UPDATES.—Not later than 3 years after the sub-
5 mission of the initial strategy required by subsection (a),
6 and every 3 years thereafter for 12 years, the President
7 shall submit to the appropriate congressional committees
8 a report that includes—

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

11 (2) an assessment of the effectiveness of such
12 strategy, as of the date of the submission of the up-
13 date.

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

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the President, in consulta-
18 tion with the Secretary of State, the Administrator of the
19 United States Agency for International Development, and
20 the heads of other appropriate Federal departments and
21 agencies, shall submit to the appropriate congressional
22 committees a written strategy to support efforts by the
23 DRC to ensure critical minerals are produced, processed,
24 and recycled in a manner that—

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

4 (2) adheres to the highest human rights as well
5 as environmental, social, labor, and governance
6 standards.

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

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

12 (A) the market share of PRC-linked enti-
13 ties in the DRC’s mining sector, to include
14 analysis of the market share for each of the
15 critical minerals identified as part of the United
16 States Geological Survey list of 50 mineral com-
17 modities critical to the United States economy
18 and national security and being at the highest
19 risk of supply chain disruption in both the DRC
20 as a whole and within each province where the
21 critical minerals are located; and

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

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

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

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

10 (5) A plan to facilitate consultation with Congo-
11 lese civil society and community leaders to develop
12 a comprehensive and holistic strategy to achieve the
13 goals in subsection (a).

14 (6) A strategic plan to use bilateral and multi-
15 lateral diplomatic relations, including through sus-
16 tained engagement with the governments of United
17 States allies and partners, to express to the Govern-
18 ment of the DRC that the international community
19 supports business and technological skills-training
20 and other capacity-building measures, including legal
21 reforms, to help build the legitimate, responsible,
22 and conflict-free productive and income-generating
23 capacities of the artisanal and small-scale mining
24 sector to the benefit of the Congolese people.

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

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

6 (A) providing foreign assistance to consult
7 with and promote sustainable development in
8 communities affected by mining, protect human
9 rights, and provide professional training for
10 local workers;

11 (B) providing technical assistance to sup-
12 port the Government of the DRC's efforts to
13 improve the business climate of the DRC; and

14 (C) ensuring sufficient staffing of the
15 United States Embassy in Kinshasa to support
16 the critical minerals portfolio and all other op-
17 erations, including by establishing a permanent
18 presence of Foreign Commercial Service Offi-
19 cers to provide commercial services and export
20 assistance to United States companies seeking
21 to do business in the DRC.

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

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

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

8 (2) an assessment of the effectiveness of such
9 strategy, as of the date of the submission of the up-
10 date.

11 **SEC. 7. DEFINITIONS.**

12 In this Act:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Affairs, the
17 Committee on Appropriations, the Committee
18 on Financial Services, and the Committee on
19 Ways and Means of the House of Representa-
20 tives; and

21 (B) the Committee on Foreign Relations,
22 the Committee on Appropriations, and the
23 Committee on Banking, Housing, and Urban
24 Affairs of the Senate.

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

6 (3) CRITICAL MINERAL.—The term “critical
7 mineral” has the meaning given that term in section
8 7002(a) of the Energy Act of 2020 (30 U.S.C.
9 1606(a)).

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

12 (A) is subject to the jurisdiction or direc-
13 tion of the PRC;

14 (B) is legally registered or internationally
15 headquartered in the PRC;

16 (C) is directly operating on behalf of the
17 PRC;

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

20 (E) is formed from a spin-off, merger or
21 acquisition, or sale of a business unit involving
22 an entity described in any of subparagraphs (A)
23 through (D) or is otherwise a successor to such
24 an entity; or

1 (F) provides financial services for an entity
2 described in any of subparagraphs (A) through
3 (E).

4 (5) PARTNER COUNTRY.—The term “partner
5 country” means any country that is not defined as
6 a “Foreign Country of Concern” under section
7 231.102 of title 15, Code of Federal Regulations, or
8 any successor regulation.

