

**2012 -- H 8151**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2012**

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**H O U S E R E S O L U T I O N**

**URGING THE SECURITIES AND EXCHANGE COMMISSION TO ISSUE GUIDELINES  
REGARDING THE DISCLOSURE OF CONFLICT MINERALS THAT ORIGINATE IN THE  
DEMOCRATIC REPUBLIC OF CONGO**

Introduced By: Representatives Tanzi, Medina, Nunes, Ruggiero, and Chippendale

Date Introduced: May 09, 2012

Referred To: House Finance

1           WHEREAS, The Democratic Republic of Congo was devastated by a civil war carried  
2 out in 1996 and 1997 and a war that began in 1998 and ended in 2003, which resulted in  
3 widespread human rights violations and the intervention of multiple armed forces or armed non-  
4 state actors from other countries in the region; and

5           WHEREAS, Despite the signing of a peace agreement and subsequent withdrawal of  
6 foreign forces in 2003, the eastern region of the Democratic Republic of Congo continues to  
7 suffer from high levels of poverty, insecurity, and a culture of impunity, in which illegal armed  
8 groups and military forces continue to commit widespread human rights abuses; and

9           WHEREAS, According to a study by the International Rescue Committee released in  
10 January 2008, conflict and the related humanitarian crisis in the Democratic Republic of Congo  
11 have resulted in the deaths of an estimated five million four hundred thousand (5,400,000) people  
12 since 1998 and continue to cause as many as forty-five thousand (45,000) deaths each month; and

13           WHEREAS, Sexual violence and rape remain pervasive tools of warfare used by all  
14 parties in the eastern region of the Democratic Republic of Congo to terrorize and humiliate  
15 communities, resulting in community breakdown which causes a decrease in the ability of  
16 affected communities to resist control by illegal armed forces and a loss of community access to  
17 minerals; and

18           WHEREAS, Sexual violence and rape affect hundreds of thousands of women and girls,  
19 frequently resulting in traumatic fistula, other severe genital injuries, and long-term psychological

1 trauma; and

2 WHEREAS, A report released by the government accountability office in December of  
3 2007 describes how the mismanagement and illicit trade of extractive resources from the  
4 Democratic Republic of Congo support conflict between militias and armed domestic factions in  
5 neighboring countries; and

6 WHEREAS, In its final report, released on December 12, 2008, the United Nations  
7 Group of Experts on the Democratic Republic of Congo found that official exports of columbite-  
8 tantalite, cassiterite, wolframite, and gold are grossly undervalued and that various illegal armed  
9 groups in the eastern region of the Democratic Republic of Congo continue to profit greatly from  
10 these natural resources by coercively exercising control over mining sites from where they are  
11 extracted and locations along which they are transported for export; and

12 WHEREAS, United Nations Security Council Resolution 1857, unanimously adopted on  
13 December 22, 2008, broadens existing sanctions relating to the Democratic Republic of Congo to  
14 include “individuals or entities supporting the illegal armed group...through the illicit trade of  
15 natural resources” and encourages member countries to ensure that companies handling minerals  
16 from the Democratic Republic of Congo exercise due diligence on their suppliers; and

17 WHEREAS, Metals derived from columbite-tantalite, cassiterite, wolframite, and gold  
18 from the Democratic Republic of Congo are used in diverse technological products sold  
19 worldwide, including mobile telephones, laptop computers, and digital video recorders; and

20 WHEREAS, In February of 2009, the Electronic Industry Citizenship Coalition and the  
21 Global E-Sustainability Initiative released a statement asserting that use by the information  
22 communications technology industry of mined commodities that support conflict in such  
23 countries as the Democratic Republic of Congo is unacceptable and electronics companies can  
24 and should uphold responsible practices in their operations and work with suppliers to meet social  
25 and environmental standards with respect to the raw materials used in the manufacture of their  
26 products; and

27 WHEREAS, Companies that create and sell products that include columbite-tantalite,  
28 cassiterite, wolframite, and gold have the ability to influence the situation in the Democratic  
29 Republic of Congo by doing all of the following:

30 (1) Exercising due diligence in ensuring that their suppliers provide raw materials in a  
31 manner that does not directly finance armed conflict, result in labor or human rights violations, or  
32 damage the environment;

33 (2) Verifying the country from which the minerals used to derive such metals originate,  
34 the identity of the exporter of the minerals, and that all appropriate tax payments are made;

1           (3) Committing to support mineral exporters from the Democratic Republic of Congo that  
2 fully disclose their export payments and certify that their minerals do not directly finance armed  
3 conflict, result in labor or human rights violations, or damage the environment; and

4           WHEREAS, It is the sense of the House of Representatives that the exploitation of  
5 conflict minerals originating in the Democratic Republic of Congo is helping to finance conflict  
6 characterized by extreme levels of violence in the eastern Democratic Republic of Congo,  
7 particularly sexual-and-gender-based violence, and contributing to an emergency humanitarian  
8 situation; and

9           WHEREAS, The Dodd-Frank Wall Street Reform and Consumer Protection Act, which  
10 was signed into law by President Barack Obama on July 21, 2010, requires those who file with  
11 the Securities and Exchange Commission (SEC) and use minerals originating in the Democratic  
12 Republic of Congo in manufacturing to adhere to SEC regulations to disclose measures taken to  
13 exercise due diligence on the source and chain of custody of the materials and the products  
14 manufactured; and

15           WHEREAS, Although the Dodd-Frank Wall Street Reform and Consumer Protection Act  
16 directed the SEC to issue said disclosure regulations not later than April 2011, the Commission  
17 has yet to do so; and

18           WHEREAS, The failure to implement these regulations prevents American companies  
19 from using their full resources to guarantee they are not inadvertently funding extreme violence in  
20 eastern Democratic Republic of Congo; now, therefore be it

21           RESOLVED, That this House of Representatives of the State of Rhode Island and  
22 Providence Plantations hereby requests that the Securities and Exchange Commission of the  
23 United States of America issue guidelines as to the disclosure of conflict minerals originating in  
24 the Congo in a timely manner, as stipulated by section 1501 of the Dodd-Frank Wall Street  
25 Reform and Consumer Protection Act of 2010; and be it further

26           RESOLVED, That this House calls upon its Congressional Delegation to use all  
27 measures available to persuade the Securities and Exchange Commission to issue said guidelines;  
28 and be it further

29           RESOLVED, That this House vows to take further measures to combat the trade in  
30 conflict minerals when the Securities and Exchange Commission issues these guidelines; and be  
31 it further

1           RESOLVED, That the Secretary of State be and he hereby is authorized and directed to  
2 transmit duly certified copies of this resolution to the United States Securities and Exchange  
3 Commission and to the members of the Rhode Island Congressional Delegation.

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