February 23, 2012

Securities and Exchange Commission

100 F Street, N.E.

Washington, D.C. 20549-1090

Dear Commissioner Gallagher,

On behalf of the Congo Education Team of the Presbyterian Church USA, we write to express our deep disappointment and concern that the final rule on conflict minerals has yet to be released but more importantly, we are concerned that the proposed rule will fail to satisfy congressional intent and our organization's interests. Congress intended for this law to immediately address the urgent humanitarian situation in the eastern Democratic Republic of Congo (DRC) by curbing the trade in conflict minerals. In order to effectuate the intent of the law the Securities and Exchange Commission's (SEC) final rule must include the points below.

The final rule must:

1. **Reject an indeterminate origin category.** Issuers should not be allowed to report that the minerals in their products are of indeterminate origin; rather, if an issuer fails to determine the origin of the minerals in their products, they must describe them as "Not DRC-Conflict Free" in their Conflict Minerals report. Otherwise, a perverse incentive is created for companies not to engage in full due diligence, so that they may truthfully characterize their minerals as "indeterminate" for as long as possible. While "indeterminate" may sound better for public relations purposes, the truth today is that an unknown origin is worse than knowing the origin is DRC. The latter implies that the issuer has undertaken greater efforts to determine origins, and will sooner be in a position to eliminate human rights abuses and profits to illegal armed groups from their supply chain.

2. **The reasonable country of origin standard should be defined.** The primary objective of the legislation is to determine whether issuers are using conflict minerals from the DRC and surrounding countries. If issuers do not know where their minerals are coming from, they could be — intentionally, recklessly, or otherwise — supporting civil war and contributing to an emergency humanitarian situation. The reasonable country of origin inquiry standard should be one that requires a covered issuer to take sufficient steps to accurately determine and disclose whether its conflict minerals originate from DRC.

3. **Adopt OECD Due diligence standard.** Companies will benefit from additional guidance with respect to the due diligence standard required by section 1502. The SEC should build on the work carried out by the OECD and the UN Security Council by adopting the five-step due diligence framework set out in the OECD's Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas. The OECD guidance was developed in coordination with a broad range of companies, NGOs, processing

facilities, and regional governments and represents an international consensus approach to the trade in conflict minerals.

Conclusion

Section 1502 was prompted by the U.S. Congress' concern "that the exploitation and trade of conflict minerals originating in the DRC is helping to finance conflict characterized by extreme levels of violence in the eastern DRC…", especially toward women. In order for this provision to be effective in addressing an urgent humanitarian crisis, the SEC must issue strong final rules as soon as possible with robust reporting requirements.

Yours sincerely,

Mrs. Janet Sullivan, Chair of the Congo Education Team of the PCUSA