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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. 7981

To ensure that goods made using or containing cobalt extracted or processed with the use of child or forced labor in the Democratic Republic of the Congo do not enter the United States market.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure that goods made using or containing cobalt extracted or processed with the use of child or forced labor in the Democratic Republic of the Congo do not enter the United States market.

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 “Stop China’s Exploi-
5 tation of Congolese Children and Adult Forced Labor
6 through Cobalt Mining Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Cobalt is an essential component of most
4 lithium-ion batteries, which are key components in
5 many smartphones, laptops, and electric vehicles,
6 among other electronic devices. According to the
7 International Energy Agency (IAE), worldwide de-
8 mand is expected to increase over 1,000 percent for
9 lithium and 600 percent for cobalt by 2040, as de-
10 mands for alternative energy systems and battery
11 storage are expected to grow significantly during
12 this period.

13 (2) More than one-half of the world's cobalt re-
14 sources are in the DRC, which supplied approxi-
15 mately 70 percent of the global cobalt mine produc-
16 tion in 2021.

17 (3) Fifteen of the DRC's 19 cobalt mines are
18 reportedly owned wholly or in part by companies lo-
19 cated in the People's Republic of China.

20 (4) Numerous analysts report significant con-
21 cerns with forced labor, including forced or inden-
22 tured child labor, in the DRC mining industry.

23 (5) Approximately 15 to 30 percent of cobalt
24 produced in the DRC comes from artisanal and
25 small-scale mining. An estimated 255,000 miners

1 work in artisanal and small-scale mining in the
2 DRC, of whom at least 40,000 are children.

3 (6) Section 307 of the Tariff Act of 1930 (19
4 U.S.C. 1307) states that it is illegal to import into
5 the United States “goods, wares, articles, and mer-
6 chandise mined, produced, or manufactured wholly
7 or in part” by forced labor, including forced or in-
8 dentured child labor. Such merchandise is subject to
9 exclusion or seizure and may lead to criminal inves-
10 tigation of the importer.

11 **SEC. 3. INVESTIGATION.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Forced Labor En-
14 forcement Task Force, established under section 741 of
15 the United States-Mexico-Canada Agreement Implementa-
16 tion Act (19 U.S.C. 4681), in consultation with the heads
17 of other relevant Federal agencies, shall complete and sub-
18 mit to the appropriate congressional committees the re-
19 sults of an investigation into alleged use of forced labor
20 in the cobalt mining industry of the DRC that—

21 (1) contains a strategy for the United States
22 Government to effectively enforce section 307 of the
23 Tariff Act of 1930 (19 U.S.C. 1307) to prevent the
24 importation into the United States of cobalt mined
25 by forced labor that includes measures that—

1 (A) can trace the origin of goods and offer
2 greater supply chain transparency relating to
3 cobalt from the DRC; and

4 (B) ensure that cobalt mined by forced
5 labor does not enter the United States;

6 (2) contains a strategy to ensure that cobalt
7 mined by forced labor does not enter the United
8 States market as goods imported from third coun-
9 tries; and

10 (3) contains a strategy to ensure that cobalt
11 mined by forced labor denied entry to the United
12 States market does not later enter the United States
13 market.

14 (b) MATTERS TO BE INCLUDED.—The investigation
15 required by subsection (a) shall include the following:

16 (1) A list of—

17 (A) entities in the DRC that potentially
18 mine or process cobalt using forced labor; and

19 (B) categories of downstream products
20 that include cobalt mined in the DRC and are,
21 therefore, identified as priority sectors for en-
22 forcement under section 307 of the Tariff Act
23 of 1930 (19 U.S.C. 1307).

24 (2) Recommendations for efforts, initiatives,
25 and tools and technologies to be adopted to ensure

1 that U.S. Customs and Border Protection can accu-
2 rately identify and trace cobalt mined by forced
3 labor in the DRC.

4 (3) A description of how the list of entities re-
5 quired by subparagraph (A) of paragraph (1) shall
6 be regularly updated and reported to the appropriate
7 congressional committees.

8 (4) A strategy to coordinate and collaborate
9 with appropriate nongovernmental organizations and
10 private sector entities to implement the enforcement
11 strategy for cobalt mined with forced labor and to
12 create and update the list of entities required in sub-
13 paragraph (A) of paragraph (1).

14 (c) FORM.—The report required by subsection (a)
15 and any publicly published updates described by sub-
16 section (d) shall be submitted in unclassified form, but
17 may include a classified annex, if necessary.

18 (d) UPDATES.—After the submission of the strategy
19 required by subsection (a), the Forced Labor Enforcement
20 Task Force shall provide briefings to the appropriate con-
21 gressional committees on a semiannual basis and, as appli-
22 cable, on—

23 (1) any updates to the strategy required by
24 subsection (a);

1 (2) any additional actions taken to prevent the
2 importation of cobalt mined with forced labor, in-
3 cluding actions described in this Act; and

4 (3) any action U.S. Customs and Border Pro-
5 tection has taken to enforce section 307 of the Tar-
6 iff Act of 1930 (19 U.S.C. 1307) with respect to co-
7 balt mined in the DRC.

8 (e) SUNSET.—This section shall cease to have effect
9 on the earlier of—

10 (1) the date that is 8 years after the date of the
11 enactment of this Act; or

12 (2) the date on which the President submits to
13 the appropriate congressional committees a deter-
14 mination that forced labor in the DRC mining in-
15 dustry has ended.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Ways and Means of
22 the House of Representatives; and

23 (B) the Committee on Finance of the Sen-
24 ate.

1 (2) ARTISANAL AND SMALL-SCALE MINING.—

2 The term “artisanal and small-scale mining”—

3 (A) means mining with minimal to no
4 mechanization; and

5 (B) includes the use of intensive hand
6 tools.

7 (3) DRC.—The term “DRC” means the Demo-
8 cratic Republic of the Congo.

9 (4) FORCED LABOR.—The term “forced labor”
10 has the meaning given that term in section 307 of
11 the Tariff Act of 1930 (19 U.S.C. 1307).