

Union Calendar No. 730

118TH CONGRESS
2D SESSION

H. R. 7981

[Report No. 118–895]

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

APRIL 15, 2024

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

DECEMBER 17, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 15, 2024]

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”.*

7 **SEC. 2. FINDINGS.**

8 *Congress makes the following findings:*

9 (1) *Cobalt is an essential component of most*
10 *lithium-ion batteries, which are key components in*
11 *many smartphones, laptops, and electric vehicles,*
12 *among other electronic devices. According to the Inter-*
13 *national Energy Agency (IAE), worldwide demand is*
14 *expected to increase over 1,000 percent for lithium*
15 *and 600 percent for cobalt by 2040, as demands for*
16 *alternative energy systems and battery storage are ex-*
17 *pected to grow significantly during this period.*

18 (2) *More than one-half of the world’s cobalt re-*
19 *sources are in the DRC, which supplied approxi-*
20 *mately 70 percent of the global cobalt mine produc-*
21 *tion in 2021.*

22 (3) *Fifteen of the DRC’s 19 cobalt mines are re-*
23 *portedly owned wholly or in part by companies lo-*
24 *cated in the People’s Republic of China.*

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

4 (5) Approximately 15 to 30 percent of cobalt
5 produced in the DRC comes from artisanal and
6 small-scale mining. An estimated 255,000 miners
7 work in artisanal and small-scale mining in the
8 DRC, of whom at least 40,000 are children.

9 (6) Section 307 of the Tariff Act of 1930 (19
10 U.S.C. 1307) states that it is illegal to import into
11 the United States “goods, wares, articles, and mer-
12 chandise mined, produced, or manufactured wholly or
13 in part” by forced labor, including forced or inden-
14 tured child labor. Such merchandise is subject to ex-
15 clusion or seizure and may lead to criminal inves-
16 tigation of the importer.

17 **SEC. 3. INVESTIGATION.**

18 (a) *IN GENERAL.*—Not later than 180 days after the
19 date of the enactment of this Act, the Forced Labor Enforce-
20 ment Task Force, established under section 741 of the
21 United States-Mexico-Canada Agreement Implementation
22 Act (19 U.S.C. 4681), in consultation with the heads of
23 other relevant Federal agencies, shall complete and submit
24 to the appropriate congressional committees the results of

1 *an investigation into the alleged use of forced labor in the*
2 *cobalt mining industry of the DRC that—*

3 *(1) contains a strategy for the United States*
4 *Government to effectively enforce section 307 of the*
5 *Tariff Act of 1930 (19 U.S.C. 1307) to prevent the*
6 *importation into the United States of cobalt mined by*
7 *forced labor that includes measures that—*

8 *(A) can trace the origin of goods and offer*
9 *greater supply chain transparency relating to co-*
10 *balt from the DRC; and*

11 *(B) ensure that cobalt mined by forced labor*
12 *does not enter the United States;*

13 *(2) contains a strategy to ensure that cobalt*
14 *mined by forced labor does not enter the United*
15 *States market as goods imported from third countries;*
16 *and*

17 *(3) contains a strategy to ensure that cobalt*
18 *mined by forced labor denied entry to the United*
19 *States market does not later enter the United States*
20 *market.*

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

23 *(1) A list of—*

24 *(A) entities in the DRC that potentially*
25 *mine or process cobalt using forced labor; and*

1 (B) categories of downstream products that
2 include cobalt mined in the DRC and are, there-
3 fore, identified as priority sectors for enforcement
4 under section 307 of the Tariff Act of 1930 (19
5 U.S.C. 1307).

6 (2) Recommendations for efforts, initiatives, and
7 tools and technologies to be adopted to ensure that
8 U.S. Customs and Border Protection can accurately
9 identify and trace cobalt mined by forced labor in the
10 DRC.

11 (3) A description of how the list of entities re-
12 quired by subparagraph (A) of paragraph (1) shall be
13 regularly updated and reported to the appropriate
14 congressional committees.

15 (4) A strategy to coordinate and collaborate with
16 appropriate nongovernmental organizations and pri-
17 vate sector entities to implement the enforcement
18 strategy for cobalt mined with forced labor and to cre-
19 ate and update the list of entities required in sub-
20 paragraph (A) of paragraph (1).

21 (c) FORM.—The report required by subsection (a) and
22 any publicly published updates described by subsection (d)
23 shall be submitted in unclassified form, but may include
24 a classified annex, if necessary.

1 (d) *UPDATES.*—After the submission of the strategy re-
2 quired by subsection (a), the Forced Labor Enforcement
3 Task Force shall provide briefings to the appropriate con-
4 gressional committees on a semiannual basis and, as appli-
5 cable, on—

6 (1) any updates to the strategy required by sub-
7 section (a);

8 (2) any additional actions taken to prevent the
9 importation of cobalt mined with forced labor, includ-
10 ing actions described in this Act; and

11 (3) any action U.S. Customs and Border Protec-
12 tion has taken to enforce section 307 of the Tariff Act
13 of 1930 (19 U.S.C. 1307) with respect to cobalt mined
14 in the DRC.

15 (e) *SUNSET.*—This section shall cease to have effect on
16 the earlier of—

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

19 (2) the date on which the President submits to
20 the appropriate congressional committees a deter-
21 mination that forced labor in the DRC mining indus-
22 try has ended.

23 **SEC. 4. DEFINITIONS.**

24 *In this Act:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 *(A) the Committee on Ways and Means of*
5 *the House of Representatives; and*

6 *(B) the Committee on Finance of the Sen-*
7 *ate.*

8 (2) *ARTISANAL AND SMALL-SCALE MINING.*—*The*
9 *term “artisanal and small-scale mining”—*

10 *(A) means mining with minimal to no*
11 *mechanization; and*

12 *(B) includes the use of intensive hand tools.*

13 (3) *DRC.*—*The term “DRC” means the Demo-*
14 *cratic Republic of the Congo.*

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

Union Calendar No. 730

118TH CONGRESS
2D Session

H. R. 7981

[Report No. 118-895]

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.

DECEMBER 17, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed