Center for American Progress
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August 30, 2023

Chair Bill Johnson
Subcommittee on Environment, Manufacturing, and Critical Minerals
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington DC 20515
Attn: Kaitlyn Peterson, Legislative Clerk

Dear Chair Johnson:

Thank you for the opportunity to testify at the hearing before your subcommittee on April 26, 2023. The Honorable Mariannette Miller-Meeks, M.D. asked an additional question for the record:

> **“**Mr. Higgins, who is looking out for the “wealthy” children who mine Cobalt in the Congo?”

Please find my response enclosed.

Sincerely,

Trevor Higgins
Senior Vice President for Energy and Environment
Center for American Progress

Attachment

Child labor (which is by definition forced) and other human rights violations are a real and serious concern for cobalt mining in the Congo.

Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307) prohibits the import of goods made in whole or in part with the use of forced labor, including child labor. Following the removal of the consumptive demand exception via the Trade Facilitation and Trade Enforcement Act of 2015, there is no legal way to import a product made using forced labor into the United States. CBP is responsible for enforcing this prohibition. Recently, DHS stood up the interagency Forced Labor Enforcement Task Force.[1]

Notably, the Inflation Reduction Act created several incentives (including enactment of 23 USC 45X for advanced manufacturing and amendments to 23 USC 30D for the purchase of new clean vehicles) that will support the production and processing of critical minerals in the United States and limit the global market for critical minerals processed by foreign entities of concern.

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[1] U.S. Department of Homeland Security, "Forced Labor Enforcement Task Force" available at https://www.dhs.gov/forced-labor-enforcement-task-force