

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7981  
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Stop China’s Exploi-  
3 tation of Congolese Children and Adult Forced Labor  
4 through Cobalt Mining Act”.

**5 SEC. 2. FINDINGS.**

6       Congress makes the following findings:

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

17           (2) More than one-half of the world’s cobalt re-  
18 sources are in the DRC, which supplied approxi-

1       mately 70 percent of the global cobalt mine produc-  
2       tion in 2021.

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

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

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

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

22      **SEC. 3. INVESTIGATION.**

23          (a) IN GENERAL.—Not later than 180 days after the  
24      date of the enactment of this Act, the Forced Labor En-  
25      forcement Task Force, established under section 741 of

1 the United States-Mexico-Canada Agreement Implementa-  
2 tion Act (19 U.S.C. 4681), in consultation with the heads  
3 of other relevant Federal agencies, shall complete and sub-  
4 mit to the appropriate congressional committees the re-  
5 sults of an investigation into the alleged use of forced  
6 labor in the cobalt mining industry of the DRC that—

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

12 (A) can trace the origin of goods and offer  
13 greater supply chain transparency relating to  
14 cobalt from the DRC; and

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

17 (2) contains a strategy to ensure that cobalt  
18 mined by forced labor does not enter the United  
19 States market as goods imported from third coun-  
20 tries; and

21 (3) contains a strategy to ensure that cobalt  
22 mined by forced labor denied entry to the United  
23 States market does not later enter the United States  
24 market.

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

3 (1) A list of—

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

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

11 (2) Recommendations for efforts, initiatives,  
12 and tools and technologies to be adopted to ensure  
13 that U.S. Customs and Border Protection can accu-  
14 rately identify and trace cobalt mined by forced  
15 labor in the DRC.

16 (3) A description of how the list of entities re-  
17 quired by subparagraph (A) of paragraph (1) shall  
18 be regularly updated and reported to the appropriate  
19 congressional committees.

20 (4) A strategy to coordinate and collaborate  
21 with appropriate nongovernmental organizations and  
22 private sector entities to implement the enforcement  
23 strategy for cobalt mined with forced labor and to  
24 create and update the list of entities required in sub-  
25 paragraph (A) of paragraph (1).

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

5 (d) UPDATES.—After the submission of the strategy  
6 required by subsection (a), the Forced Labor Enforcement  
7 Task Force shall provide briefings to the appropriate con-  
8 gressional committees on a semiannual basis and, as appli-  
9 cable, on—

10 (1) any updates to the strategy required by  
11 subsection (a);

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

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

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

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

23 (2) the date on which the President submits to  
24 the appropriate congressional committees a deter-

1       mination that forced labor in the DRC mining in-  
2       dustry has ended.

3   **SEC. 4. DEFINITIONS.**

4       In this Act:

5           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6       TEES.—The term “appropriate congressional com-  
7       mittees” means—

8           (A) the Committee on Ways and Means of  
9       the House of Representatives; and

10          (B) the Committee on Finance of the Sen-  
11       ate.

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

14          (A) means mining with minimal to no  
15       mechanization; and

16          (B) includes the use of intensive hand  
17       tools.

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

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

