

AMENDMENT TO RULES COMM. PRINT 119–33

OFFERED BY MR. SMITH OF NEW JERSEY

At the end of subtitle B of title XIV, add the following new section:

SEC. __. CCP Forced Labor in Cobalt Mining Investigation.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act ([19 U.S.C. 4681](#)), in consultation with the heads of other relevant Federal agencies, shall complete and submit to the appropriate congressional committees the results of an investigation into the alleged use of forced labor in the cobalt mining industry of the DRC that—

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

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

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

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

(3) contains a strategy to ensure that the Department of War is not sourcing materials or goods containing cobalt mined by forced labor and a plan to reduce depending on such materials and goods.

(b) Matters to be included.—The investigation required by subsection (a) shall include the following:

(1) A list of—

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

- (B) categories of downstream products that include cobalt mined in the DRC and are, therefore, identified as priority sectors for enforcement under section 307 of the Tariff Act of 1930 ([19 U.S.C. 1307](#)).
- (2) Recommendations for efforts, initiatives, and tools and technologies to be adopted to ensure that U.S. Customs and Border Protection can accurately identify and trace cobalt mined by forced labor in the DRC.
- (3) A description of how the list of entities required by subparagraph (A) of paragraph (1) shall be regularly updated and reported to the appropriate congressional committees.
- (4) A strategy to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to implement the enforcement strategy for cobalt mined with forced labor and to create and update the list of entities required in subparagraph (A) of paragraph (1).
- (c) Form.—The report required by subsection (a) and any publicly published updates described by subsection (d) shall be submitted in unclassified form, but may include a classified annex, if necessary.
- (d) Updates.—After the submission of the strategy required by subsection (a), the Forced Labor Enforcement Task Force shall provide briefings to the appropriate congressional committees on a semiannual basis and, as applicable, on—
- (1) any updates to the strategy required by subsection (a);
- (2) any additional actions taken to prevent the importation of cobalt mined with forced labor, including actions described in this Act; and
- (3) any action U.S. Customs and Border Protection has taken to enforce section 307 of the Tariff Act of 1930 ([19 U.S.C. 1307](#)) with respect to cobalt mined in the DRC.
- (e) Sunset.—This section shall cease to have effect on the earlier of—
- (1) the date that is 8 years after the date of the enactment of this Act; or

- (2) the date on which the President submits to the appropriate congressional committees a determination that forced labor in the DRC mining industry has ended.

SEC. 4. Definitions.

In this Act:

- (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—
 - (A) the Committee on Ways and Means of the House of Representatives; and
 - (B) the Committee on Finance of the Senate.
- (2) **ARTISANAL AND SMALL-SCALE MINING.**—The term “artisanal and small-scale mining”—
 - (A) means mining with minimal to no mechanization; and
 - (B) includes the use of intensive hand tools.
- (3) **DRC.**—The term “DRC” means the Democratic Republic of the Congo.
- (4) **FORCED LABOR.**—The term “forced labor” has the meaning given that term in section 307 of the Tariff Act of 1930 ([19 U.S.C. 1307](#)).