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H. R. 2310

To ensure that goods made using or containing cobalt refined in the People's Republic of China do not enter the United States market under the presumption that the cobalt is extracted or processed with the use of child and forced labor in the Democratic Republic of the Congo.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2025

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that goods made using or containing cobalt refined in the People's Republic of China do not enter the United States market under the presumption that the cobalt is extracted or processed with the use of child and forced labor in the Democratic Republic of the Congo.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “China’s Odious and
3 Brutally Atrocious Labor Trafficking Supply Chain Act”
4 or the “COBALT Supply Chain Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) Cobalt is an essential component of lithium-
8 ion batteries, which are predominantly used for elec-
9 tric vehicles, smartphones, and laptops, among other
10 electronic devices. According to the International
11 Energy Agency, the world is expected to see a forty-
12 fold increase in lithium demand and a twenty-fold
13 increase in cobalt demand by 2040, as the demand
14 for electric vehicles is expected to grow significantly
15 during this period.

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

20 (3) Fifteen of the DRC’s 19 cobalt mines were
21 owned or financed by PRC companies.

22 (4) Firms based in the PRC hold a near mo-
23 nopoly in the DRC’s cobalt sector, according to the
24 Biden Administration.

1 (5) The mining industry in the DRC is beset
2 with child labor and forced labor, disregard for
3 worker safety, and environmental degradation.

4 (6) 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 (7) Artisanal production was chiefly exported to
10 the PRC or processed within the DRC by PRC
11 firms, according to an article “China, the Demo-
12 cratic Republic of the Congo, and artisanal cobalt
13 mining from 2000 through 2020” published in Pro-
14 ceedings of the National Academy of Sciences
15 (PNAS), a peer-reviewed journal of the National
16 Academy of Sciences (NAS).

17 (8) In the 2024 Trafficking in Persons Report,
18 the Department of State ranked the DRC with a
19 Tier 2 for the second year in a row and emphasized
20 that “In 2020, the Minister of Human Rights issued
21 a decree increasing oversight of mining communities,
22 including a zero-tolerance policy for forced child
23 labor in the mining sector”, noting further that “As
24 part of this effort, the government, in partnership
25 with an NGO, certified mining sites in eastern DRC

1 as conflict-free and child labor-free . . . However,
2 the government did not report certifying any mines
3 or identifying any potential victims during the re-
4 porting period.” The government also “did not re-
5 port providing anti-trafficking training to labor in-
6 spectors.”.

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

15 **SEC. 3. STATEMENT OF POLICY.**

16 It is the policy of the United States to—

17 (1) ensure that the PRC does not undermine
18 the effective enforcement of section 307 of the Tariff
19 Act of 1930 (19 U.S.C. 1307);

20 (2) lead the international community in ending
21 child labor and forced labor practices wherever such
22 practices occur through all means available to the
23 United States Government, including by prohibiting
24 the importation of goods made with cobalt or con-

1 taining cobalt extracted from the DRC by companies
2 from the PRC;

3 (3) recognize that the PRC's dominance in
4 DRC's cobalt extraction and the processing and re-
5 fining of cobalt is a national security concern of the
6 United States that requires a strategy developed
7 jointly by the Secretary of State, the Secretary of
8 Defense, the Secretary of Commerce, and the heads
9 of other appropriate Federal agencies; and

10 (4) coordinate with Mexico and Canada to ef-
11 fectively implement Article 23.6 of the United
12 States-Mexico-Canada Agreement to prohibit the im-
13 portation of goods produced in whole or in part by
14 forced labor or compulsory labor, including those
15 goods produced in the Xinjiang Uyghur Autonomous
16 Region (XUAR), including the processing of cobalt
17 and goods made with cobalt.

18 **SEC. 4. REBUTTABLE PRESUMPTION THAT COVERED**
19 **GOODS ARE GOODS THAT ARE MADE WHOLLY**
20 **OR IN PART WITH FORCED LABOR OR CHILD**
21 **LABOR.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), the Commissioner of U.S. Customs and Border Pro-
24 tection—

1 (1) shall apply a presumption that covered
2 goods are goods that are made wholly or in part
3 with forced labor or child labor; and

4 (2) shall prohibit the entry of such goods at any
5 of the ports and the United States, and shall other-
6 wise prohibit the importation of such goods, in ac-
7 cordance with section 307 of the Tariff Act of 1930
8 (19 U.S.C. 1307).

9 (b) EXCEPTION.—The requirements of paragraphs
10 (1) and (2) of subsection (a) shall not apply with respect
11 to covered goods if the Commissioner determines that the
12 importer of record of the covered goods has demonstrated
13 by clear and convincing evidence that such goods do not
14 contain cobalt refined in the PRC.

15 (c) REPORT REQUIRED.—The Commissioner shall
16 submit to the appropriate congressional committees and
17 make available to the public, not later than 30 days after
18 making a determination to apply the exception under sub-
19 section (b) with respect to any covered goods, a report
20 identifying the evidence for such determination.

21 (d) REGULATIONS.—The Commissioner may pre-
22 scribe regulations—

23 (1) to implement subsection (b); or

24 (2) to amend any other regulations in order to
25 implement this section.

1 (e) EFFECTIVE DATE.—This section takes effect on
2 the date that is 180 days after the date of the enactment
3 of this Act.

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to limit the application of regula-
6 tions in effect on, or measures taken before, the date of
7 the enactment of this Act to prevent the importation of
8 goods mined, produced, or manufactured, wholly or in
9 part, with forced labor into the United States, including
10 withhold release orders issued before such date of enact-
11 ment.

12 **SEC. 5. ENFORCEMENT STRATEGY TO ADDRESS CHILD**
13 **LABOR AND FORCED LABOR RELATING TO**
14 **COVERED GOODS.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the Forced Labor En-
17 forcement Task Force, established under section 741 of
18 the United States-Mexico-Canada Agreement Implementa-
19 tion Act (19 U.S.C. 4681), in consultation with the heads
20 of other relevant Federal agencies, shall submit to the ap-
21 propriate congressional committees a report that—

22 (1) contains an enforcement strategy of the
23 United States Government to effectively address en-
24 forcement of section 307 of the Tariff Act of 1930
25 (19 U.S.C. 1307) to prevent the importation into the

1 United States of covered goods that includes meas-
2 ures that—

3 (A) can be taken to trace the origin of
4 goods, offer greater supply chain transparency,
5 and identify third country supply chain routes
6 for the covered goods; and

7 (B) ensure that covered goods do not enter
8 the United States;

9 (2) contains a strategy to ensure that covered
10 goods do not enter the United States market as
11 goods imported from third countries, including from
12 Canada or Mexico;

13 (3) contains a strategy to ensure that covered
14 goods denied entry to the United States market do
15 not later enter the United States market through
16 third countries;

17 (4) describes authorities to seize or destroy cov-
18 ered goods denied entry to the United States; and

19 (5) describes measures to address child labor
20 and forced labor in the mining, production, smelting,
21 or processing of metals or minerals, in particular co-
22 balt and lithium and their derivatives, in the DRC.

23 (b) MATTERS TO BE INCLUDED.—The strategy re-
24 quired by subsection (a) shall include the following:

25 (1) A list of—

1 (A) covered goods;

2 (B) entities that refine cobalt in the PRC;

3 (C) entities that mine cobalt in the PRC

4 and whether any of these entities operate in the

5 Xinjiang Uyghur Autonomous Region (XUAR);

6 (D) entities that import covered goods in

7 the United States;

8 (E) entities, in the DRC, owned or con-

9 trolled by PRC entities, or financed by PRC

10 state-owned banks or institutions that mine or

11 process cobalt; and

12 (F) priority sectors for enforcement of im-

13 ports made with covered PRC goods, with a

14 sector-specific enforcement plan for each pri-

15 ority sector.

16 (2) Recommendations for efforts, initiatives,

17 and tools and technologies to be adopted to ensure

18 that U.S. Customs and Border Protection can accu-

19 rately identify and trace covered goods.

20 (3) A description of the additional resources

21 necessary for U.S. Customs and Border Protection

22 and other Federal entities, including the Forced

23 Labor Enforcement Task Force, to effectively imple-

24 ment the strategy.

1 (4) A description of how the list of entities re-
2 quired by subparagraphs (B), (C), and (D) of para-
3 graph (1) shall be regularly updated and reported to
4 the appropriate congressional committees.

5 (5) A strategy to coordinate and collaborate
6 with appropriate nongovernmental organizations and
7 private sector entities to implement the enforcement
8 strategy for covered goods and to create and update
9 the list of entities required in subparagraphs (B)
10 and (C) of paragraph (1).

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

15 (d) UPDATES.—After the submission of the strategy
16 required by subsection (a), the Forced Labor Enforcement
17 Task Force shall provide briefings to the appropriate con-
18 gressional committees on a quarterly basis and, as applica-
19 ble, on any updates to the strategy required by subsection
20 (a) or additional actions taken to address the importation
21 of covered goods, including actions described in this Act.

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

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

1 (2) the date on which the President submits to
2 the appropriate congressional committees a deter-
3 mination that child labor and forced labor in the
4 mining industry of the DRC has ended, including
5 artisanal and small-scale mining sectors.

6 **SEC. 6. CERTIFICATION THAT FEDERAL VEHICLE PUR-**
7 **CHASES ARE FREE OF PARTS MADE OR**
8 **MINED WITH CHILD LABOR OR FORCED**
9 **LABOR.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), not later than 90 days after the date of the enactment
12 of this Act, and annually thereafter, the President shall
13 certify whether all vehicles purchased in the prior year by
14 the United States Government are completely free of parts
15 made or mined, wholly or in part, with child labor or
16 forced labor in the DRC or the Xinjiang Uyghur Autono-
17 mous Region (XUAR).

18 (b) EXCEPTION.—The certification required by sub-
19 section (a) shall not apply with respect to vehicles pur-
20 chased in the prior year by the Department of Defense.

21 (c) SUBMISSION TO CONGRESS; PUBLICATION IN
22 FEDERAL REGISTER.—The President shall—

23 (1) submit the certification required by sub-
24 section (a) to the appropriate congressional commit-
25 tees; and

1 (2) publish such certification in the Federal
2 Register.

3 (d) DOCUMENTATION FOR CERTIFICATION.—Docu-
4 mentation mapping the supply chains of all the vehicles
5 and their parts, procured in the prior year by the United
6 States Government, shall be available upon request by
7 Members of Congress from the Department of Homeland
8 Security.

9 **SEC. 7. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs, the
15 Committee on Financial Services, and the Com-
16 mittee on Ways and Means of the House of
17 Representatives; and

18 (B) the Committee on Foreign Relations,
19 the Committee on Banking, Housing, and
20 Urban Affairs, and the Committee on Finance
21 of the Senate.

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

24 (A) means mining with minimal to no
25 mechanization; and

1 (B) includes the use of intensive handtools.

2 (3) CHILD LABOR.—The term “child labor”
3 means work that deprives children of their child-
4 hood, their potential, and their dignity, including
5 work that is harmful to the health, safety, and mor-
6 als of children as such term is commonly used by the
7 International Labour Organization. In this para-
8 graph, the term “children” means individuals who
9 have not obtained the age of 18.

10 (4) COVERED GOODS.—The term “covered
11 goods” means goods, wares, articles, or merchandise
12 that contain cobalt refined in the PRC.

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

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

18 (7) PRC.—The term “PRC” means the Peo-
19 ple’s Republic of China.

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