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H. R. 4443

To ensure that certain goods made with child labor or forced labor in the Democratic Republic of the Congo do not enter the United States market, to counter control of strategic metals and minerals by the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and the Judiciary, 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 certain goods made with child labor or forced labor in the Democratic Republic of the Congo do not enter the United States market, to counter control of strategic metals and minerals by the People's Republic of China, and for other purposes.

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 “Countering China’s
5 Exploitation of Strategic Metals and Minerals and Child

1 and Forced Labor in the Democratic Republic of the
2 Congo Act”.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) Cobalt is an essential component of lithium-
6 ion batteries, which are predominantly used for elec-
7 tric vehicles, smartphones, and laptops, among other
8 electronic devices. According to the International
9 Energy Agency, the world is expected to see a 40-
10 fold increase in lithium demand and a 20-fold in-
11 crease in cobalt demand by 2040, as the demand for
12 electric vehicles is expected to grow significantly dur-
13 ing this period.

14 (2) In 2021, global sales of electric vehicles
15 doubled compared to 2020, reaching its new record
16 of 6.6 million, and bringing the total number of elec-
17 tric vehicles in use to 16.5 million electric vehicles
18 by the end of 2021. The People’s Republic of China
19 (“PRC”) accounted for half of those sales, with over
20 150 percent growth in electric vehicle sales in that
21 country compared to 2020. In the first quarter of
22 2022, an additional 2 million electric vehicles were
23 sold worldwide, showing strong continued growth.
24 While Europe and the United States saw increased
25 sales, the PRC experienced an unprecedented tri-

1 pling of electric vehicle sales of 3.3 million in 2022,
2 accounting for approximately one-half of the global
3 sales.

4 (3) The concentration of global cobalt supply
5 and production in the Democratic Republic of the
6 Congo (“DRC”) as well as civil unrest and govern-
7 mental corruption, heighten the vulnerabilities and
8 risks of global supply chain disruptions. More than
9 one-half of the world’s cobalt resources are in the
10 DRC, which supplies approximately 70 percent of
11 the global cobalt mine production in 2021. The DRC
12 remains beset by conflicts and pervasive official cor-
13 ruption. Firms based in the PRC hold a dominant
14 position in DRC’s cobalt sector, according to the
15 White House. On the foundation of an unstable
16 state, more than one-half of lithium and cobalt glob-
17 al supplies are processed and refined in the PRC,
18 where more than 75 percent of all lithium-ion bat-
19 teries are produced. About 50 percent of all batteries
20 are for consumption in the PRC.

21 (4) Lithium deposits have been identified in the
22 DRC, with exploration ongoing. It is estimated that
23 the DRC can begin lithium production as early as
24 2023.

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

6 (6) The child miners in the DRC, some as
7 young as 6 years of age, working in artisanal and
8 small-scale mines, are subjected to the worst forms
9 of forced manual labor. They work in harsh and life-
10 threatening conditions, and are vulnerable to phys-
11 ical injuries, coercion, and abuse in addition to expo-
12 sure to harmful toxins.

13 (7) Amnesty International reported in 2016
14 that child miners in the DRC's cobalt sector worked
15 for up to 12 hours a day in the mines without the
16 most basic protective gear, such as gloves and face
17 masks which would protect them from lung and skin
18 disease. Many children reportedly worked for pro-
19 longed periods underground, including at sites with
20 inadequate ventilation and a high risk of fatal
21 mineshaft collapse. Child miners interviewed by Am-
22 nesty International reported working for up to 12
23 hours a day in the mines, carrying heavy loads and
24 being paid less than two dollars per day.

1 (8) According to a tally by Amnesty Inter-
2 national, based on news reports, at least 80 under-
3 ground miners working in artisanal and small-scale
4 mining died in southeastern DRC between Sep-
5 tember 2014 and December 2015. Amnesty Inter-
6 national assessed that the “true figure is unknown
7 as many accidents go unrecorded and bodies are left
8 buried in the rubble”. To this day, there is no offi-
9 cial tally of the total number of such deaths.

10 (9) As of 2020, 15 of the 19 cobalt mines in
11 the DRC were owned or financed by PRC compa-
12 nies.

13 (10) The 5 biggest PRC-owned mining compa-
14 nies in the DRC have lines of credit from PRC
15 state-owned banks totaling \$124 billion.

16 (11) China Molybdenum, a PRC mining and
17 trading company, is the second-largest producer of
18 cobalt worldwide. In 2016, it purchased Tenke
19 Fungurume, which controlled one of the largest co-
20 balt reserves in the world. More than \$1.59 billion
21 of the \$2.65 billion came from loans from PRC
22 state-owned banks.

23 (12) Under PRC ownership of mining compa-
24 nies in the DRC, there has been reportedly a signifi-
25 cant rise in serious injuries. There are questions re-

1 garding proper oversight of safety in the mines, as
2 well as coverups of deaths and injuries.

3 (13) In July 2021, PRC mining company man-
4 agers in Kolwezi ordered the brutal beating and
5 whipping of miners.

6 (14) On July 14, 2022, the Tom Lantos
7 Human Rights Commission, a bipartisan congress-
8 sional commission, held a hearing on “Child Labor
9 and Human Rights Violations in the Mining Indus-
10 try of the Democratic Republic of Congo”. The hear-
11 ing highlighted the concerns of child and forced
12 labor in the DRC, the disregard of worker safety,
13 and environmental degradation. It also highlighted
14 PRC domination of strategic metals and minerals in
15 the global supply chain.

16 (15) In the 2022 Trafficking in Persons Re-
17 port, the Department of State emphasized that “In
18 the [DRC,] artisanal and small-scale mining of co-
19 balt has been associated with forced child labor and
20 other abuses”, noting further that “Since 2015, the
21 TIP Report narratives on the DRC have highlighted
22 forced labor of children in artisanal cobalt mines.”.
23 The DRC is on the Tier 2 Watch List, and will be
24 automatically downgraded to Tier 3, subjecting it to

1 sanctions, if it does not substantively and consist-
2 ently improve its record on trafficking.

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

11 (17) On December 13, 2022, the Governments
12 of the United States, DRC, and Zambia signed a
13 memorandum of understanding with regard to
14 United States support for the DRC and Zambia to
15 develop jointly a supply chain for electric vehicle bat-
16 teries, “from the mine to the assembly line, while
17 also committing to respect international standards to
18 prevent, detect and take legal action to fight corrup-
19 tion throughout this process”.

20 **SEC. 3. STATEMENT OF POLICY.**

21 It is the policy of the United States—

22 (1) to prohibit the importation of covered DRC
23 goods;

24 (2) to encourage the international community
25 to prohibit the importation of covered DRC goods;

1 (3) to enforce labor provisions under Chapter
2 23 of the United States-Mexico-Canada Agreement
3 (USMCA) and coordinate with Mexico and Canada
4 to effectively implement Article 23.6 of the United
5 States-Mexico-Canada Agreement to prohibit the im-
6 portation of covered DRC goods into the North
7 American market;

8 (4) to mitigate and prevent gross violations of
9 human rights in the DRC by—

10 (A) utilizing bilateral diplomatic channels
11 and multinational institutions where both the
12 United States and the DRC are members; and

13 (B) using other applicable authorities
14 available to the United States Government, in-
15 cluding with regard to development assistance;
16 and

17 (5) to combat PRC control of strategic metals
18 and minerals in the global supply chain.

19 **SEC. 4. REBUTTABLE PRESUMPTION THAT IMPORT PROHI-**
20 **BITION APPLIES TO COVERED DRC GOODS.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b), covered DRC goods shall be deemed to be goods,
23 wares, articles, and merchandise described in section 307
24 of the Tariff Act of 1930 (19 U.S.C. 1307) and shall not

1 be entitled to entry at any of the ports of the United
2 States.

3 (b) EXCEPTION.—The prohibition described in sub-
4 section (a) shall not apply if the Commissioner of U.S.
5 Customs and Border Protection—

6 (1) determines, based on clear and convincing
7 evidence, including information produced by due dili-
8 gence reviews by importers of their supply chains,
9 that the covered DRC goods were not mined, pro-
10 duced or manufactured wholly or in part by child
11 labor or forced labor; and

12 (2) submits to the appropriate congressional
13 committees and makes available to the public a re-
14 port that contains such determination.

15 (c) EFFECTIVE DATE.—This section shall take effect
16 on the date that is 120 days after the date of the enact-
17 ment of this Act.

18 **SEC. 5. ENFORCEMENT STRATEGY TO ADDRESS CHILD**

19 **LABOR AND FORCED LABOR IN THE DRC.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date of the enactment of this Act, the Forced Labor En-
22 forcement Task Force, established under section 741 of
23 the United States-Mexico-Canada Agreement Implementa-
24 tion Act (19 U.S.C. 4681), shall submit to the appropriate
25 congressional committees a report that—

1 (1) contains an enforcement strategy to effec-
2 tively address child labor and forced labor in the
3 mining, production, smelting, or processing of metals
4 or minerals, in particular cobalt and lithium and
5 their derivatives, in the DRC;

6 (2) describes the specific strategy of the United
7 States Government for enforcing section 307 of the
8 Tariff Act of 1930 (19 U.S.C. 1307) to prevent the
9 importation into the United States of covered DRC
10 goods;

11 (3) describes the perpetration of child labor and
12 forced labor by mining companies in the DRC owned
13 or controlled by PRC entities or financed by PRC
14 state-owned banks or institutions; and

15 (4) recommends development and promotion of
16 alternative sources of supply and production, includ-
17 ing within the DRC and the United States domesti-
18 cally.

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

21 (1) A description of the actions taken by the
22 United States Government, including what moni-
23 toring and evaluation (M&E) standards were uti-
24 lized, to address child labor and forced labor in the
25 DRC under section 307 of the Tariff Act of 1930

1 (19 U.S.C. 1307), including a description of all
2 Withhold Release Orders issued, covered DRC goods
3 detained, and fines issued.

4 (2) A list of—

5 (A) covered DRC goods; and

6 (B) businesses that have sold covered DRC
7 goods in the United States.

8 (3) A list of United States-based facilities and
9 entities that source metals and minerals, in par-
10 ticular cobalt and lithium and their derivatives, from
11 the mining industry of the DRC, including artisanal
12 and small-scale mining sectors.

13 (4) A list of mining companies, including China
14 Molybdenum, in the DRC owned or controlled by
15 PRC entities, or financed by PRC state-owned banks
16 or institutions.

17 (5) A list of high-priority sectors for enforce-
18 ment, which shall include electric vehicles produc-
19 tion, with a sector-specific enforcement plan for each
20 high-priority sector.

21 (6) A description of the additional resources
22 necessary for U.S. Customs and Border Protection
23 and other Federal entities, including the Forced
24 Labor Enforcement Task Force, to effectively imple-
25 ment the strategy.

1 (7) A strategy to coordinate and collaborate
2 with appropriate nongovernmental organizations and
3 private sector entities to implement the enforcement
4 strategy for covered DRC goods.

5 (c) FORM.—The report required by subsection (a)
6 shall be submitted in unclassified form, but may include
7 a classified annex, if necessary.

8 (d) UPDATES.—After the submission of the strategy
9 required by subsection (a), the Forced Labor Enforcement
10 Task Force shall provide briefings to the appropriate con-
11 gressional committees on a quarterly basis and, as applica-
12 ble, on any updates to the strategy required by subsection
13 (a) or additional actions taken to address child labor or
14 forced labor in the DRC, including actions described in
15 this Act.

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

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

20 (2) the date on which the President submits to
21 the appropriate congressional committees a deter-
22 mination that the DRC has ended child labor and
23 forced labor in the mining industry of the DRC, in-
24 cluding artisanal and small-scale mining.

1 **SEC. 6. DIPLOMATIC STRATEGY TO ADDRESS CHILD LABOR**
2 **AND FORCED LABOR IN THE DRC.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of State,
5 in coordination with the heads of other appropriate Fed-
6 eral departments and agencies, shall submit to the appro-
7 priate congressional committees a report that contains a
8 United States strategy to promote initiatives to enhance
9 international awareness of and to prevent and mitigate
10 child labor and forced labor in the mining industry of the
11 DRC, including artisanal and small-scale mining.

12 (b) MATTERS TO BE INCLUDED.—The report re-
13 quired by subsection (a) shall include—

14 (1) a plan to enhance bilateral and multilateral
15 coordination, including sustained engagement with
16 the governments of United States allies and part-
17 ners, to end child labor and forced labor in the min-
18 ing industry of the DRC, including artisanal and
19 small-scale mining;

20 (2) a strategic plan to enhance bilateral and
21 multinational coordination, including sustained en-
22 gagement with the governments of United States al-
23 lies and partners, to counter child labor and forced
24 labor by mining companies in the DRC owned or
25 controlled by PRC entities, including China Molyb-

1 denum, or financed by PRC state-owned banks or
2 institutions;

3 (3) a plan based on proven strategies with mon-
4 itoring and evaluation standards applied for public
5 affairs, public diplomacy, and messaging efforts to
6 promote awareness of child labor and forced labor in
7 the DRC, with a special attention to the role of the
8 mining companies owned or controlled by PRC enti-
9 ties, or financed by PRC state-owned banks or insti-
10 tutions; and

11 (4) opportunities to coordinate and collaborate
12 with appropriate nongovernmental organizations, in-
13 cluding, in particular, faith-based entities and pri-
14 vate sector entities, to raise awareness about covered
15 DRC goods.

16 (c) ADDITIONAL MATTERS TO BE INCLUDED.—The
17 report required by subsection (a) shall also include—

18 (1) to the extent practicable, a list of—

19 (A) entities that directly or indirectly use
20 child labor or forced labor in the production of
21 covered DRC goods; and

22 (B) foreign persons that act as agents of
23 the entities or affiliates of entities described in
24 subparagraph (A) to import covered DRC goods
25 into the United States; and

1 (2) a description of actions taken by the United
2 States Government to address child labor or forced
3 labor in the mining industry of the DRC, including
4 artisanal and small-scale mining, including under—

5 (A) the Trafficking Victims Protection Act
6 of 2000 (Public Law 106–386; 22 U.S.C. 7101
7 et seq.);

8 (B) the Elie Wiesel Genocide and Atroc-
9 ities Prevention Act of 2018 (Public Law 115–
10 441; 22 U.S.C. 2656 note); and

11 (C) the Global Magnitsky Human Rights
12 Accountability Act (22 U.S.C. 2656 note).

13 (d) FORM.—The report required by subsection (a)
14 shall be submitted in unclassified form, but may include
15 a classified annex, if necessary.

16 (e) UPDATES.—The Secretary of State shall include
17 any updates to the strategy required by subsection (a) in
18 the annual Trafficking in Persons report required by sec-
19 tion 110(b) of the Trafficking Victims Protection Act of
20 2000 (22 U.S.C. 7107(b)).

21 (f) SUNSET.—This section shall cease to have effect
22 the earlier of—

23 (1) the date that is 8 years after the date of the
24 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 the Government of the DRC has
4 ended child labor and forced labor in the mining in-
5 dustry of the DRC, including artisanal and small-
6 scale mining.

7 **SEC. 7. IMPOSITIONS OF SANCTIONS RELATING TO CHILD**
8 **LABOR AND FORCED LABOR IN THE DRC.**

9 (a) REPORT REQUIRED.—

10 (1) IN GENERAL.—Not later than 270 days
11 after the date of the enactment of this Act, and not
12 less frequently than annually thereafter, the Presi-
13 dent shall submit to the appropriate congressional
14 committees a report that identifies each foreign per-
15 son, including any official of the Government of the
16 DRC, that the President determines—

17 (A) knowingly engages in, is responsible
18 for, or facilitates the child labor and forced
19 labor in the mining industry of the DRC, in-
20 cluding artisanal and small-scale mining; and

21 (B) knowingly engages in, contributes to,
22 assists, or provides financial, material, or tech-
23 nological support for efforts to contravene
24 United States law regarding the importation of
25 covered DRC goods.

1 (2) FORM.—The report required under para-
2 graph (1) shall be submitted in unclassified form,
3 but may contain a classified annex.

4 (b) IMPOSITION OF SANCTIONS.—The President shall
5 impose the sanctions described in subsection (c) with re-
6 spect to each foreign person identified in the report re-
7 quired under subsection (a)(1).

8 (c) SANCTIONS DESCRIBED.—The sanctions de-
9 scribed in this subsection are the following:

10 (1) ASSET BLOCKING.—The President shall ex-
11 ercise all of the powers granted to the President
12 under the International Emergency Economic Pow-
13 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
14 essary to block and prohibit all transactions in prop-
15 erty and interests in property of a foreign person
16 identified in the report required under subsection
17 (a)(1) if such property and interests in property—

18 (A) are in the United States;

19 (B) come within the United States; or

20 (C) come within the possession or control
21 of a United States person.

22 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
23 PAROLE.—

24 (A) VISAS, ADMISSION, OR PAROLE.—An
25 alien described in subsection (a)(1) is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—

11 (i) IN GENERAL.—An alien described

12 in subsection (a)(1) is subject to revocation

13 of any visa or other entry documentation

14 regardless of when the visa or other entry

15 documentation is or was issued.

16 (ii) IMMEDIATE EFFECT.—A revoca-

17 tion under clause (i) shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any

20 other valid visa or entry documenta-

21 tion that is in the alien's possession.

22 (d) IMPLEMENTATION; PENALTIES.—

23 (1) IMPLEMENTATION.—The President may ex-

24 ercise all authorities provided under sections 203

25 and 205 of the International Emergency Economic

1 Powers Act (50 U.S.C. 1702 and 1704) to carry out
2 this section.

3 (2) PENALTIES.—The penalties provided for in
4 subsections (b) and (c) of section 206 of the Inter-
5 national Emergency Economic Powers Act (50
6 U.S.C. 1705) shall apply to a foreign person that
7 violates, attempts to violate, conspires to violate, or
8 causes a violation of paragraph (1) to the same ex-
9 tent that such penalties apply to a person that com-
10 mits an unlawful act described in subsection (a) of
11 such section 206.

12 (e) WAIVER.—The President may waive the applica-
13 tion of sanctions under subsection (b) with respect to a
14 foreign person if the President determines and certifies
15 to the appropriate congressional committees that such a
16 waiver is in the national interest of the United States.

17 (f) EXCEPTIONS.—

18 (1) EXCEPTIONS FOR INTELLIGENCE ACTIVI-
19 TIES.—Sanctions under this section shall not apply
20 to any activity subject to the reporting requirements
21 under title V of the National Security Act of 1947
22 (50 U.S.C. 3091 et seq.) or any authorized intel-
23 ligence activities of the United States.

24 (2) EXCEPTION TO COMPLY WITH INTER-
25 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-

1 MENT ACTIVITIES.—Sanctions under subsection
2 (c)(2) shall not apply with respect to an alien if ad-
3 mitting or paroling the alien into the United States
4 is necessary—

5 (A) to permit the United States to comply
6 with the Agreement regarding the Head-
7 quarters of the United Nations, signed at Lake
8 Success on June 26, 1947, and entered into
9 force November 21, 1947, between the United
10 Nations and the United States, or other appli-
11 cable international obligations; or

12 (B) to carry out or assist law enforcement
13 activity in the United States.

14 (g) TERMINATION OF SANCTIONS.—The President
15 may terminate the application of sanctions under this sec-
16 tion with respect to a foreign person if the President deter-
17 mines and certifies to the appropriate congressional com-
18 mittees not less than 15 days before the termination takes
19 effect that—

20 (1) information exists that the person did not
21 engage in the activity for which sanctions were im-
22 posed;

23 (2) the person has been prosecuted appro-
24 priately for the activity for which sanctions were im-
25 posed;

1 (3) the person has credibly demonstrated a sig-
2 nificant change in behavior, has paid appropriate
3 recompense for the activity for which sanctions were
4 imposed, and has credibly committed to not engage
5 in an activity described in subsection (a)(1) in the
6 future; or

7 (4) the termination of the sanctions is in the
8 national security interests of the United States.

9 (h) SUNSET.—This section, and any sanctions im-
10 posed under this section, shall terminate on the date that
11 is 8 years after the date of the enactment of this Act.

12 **SEC. 8. USAID EFFORTS TO PREVENT CHILD LABOR AND**
13 **FORCED LABOR IN THE MINING INDUSTRY**
14 **OF THE DRC.**

15 (a) IN GENERAL.—The Administrator of the United
16 States Agency for International Development (“USAID”),
17 in coordination with the Secretary of the Department of
18 State and the heads of other relevant Federal departments
19 and agencies, shall increase efforts to prevent child labor
20 and forced labor in the mining industry of the DRC, in-
21 cluding artisanal and small-scale mining, including by en-
22 couraging efforts—

23 (1) to expand citizens’ participation in local de-
24 cision making;

1 (2) to enhance transparency and accountability
2 of governmental decisions on the local, provincial,
3 and national levels in the DRC, on the expenditure
4 of public funds, and the entry into contracts and
5 other agreements in the mining industry of the
6 DRC, in particular contracts or other agreements
7 entered into with PRC entities, including China Mo-
8 lybdenum, or PRC state-owned banks or financial
9 institutions;

10 (3) to strengthen social infrastructure to en-
11 hance oversight of the mining industry of the DRC,
12 including artisanal and small-scale mining;

13 (4) to provide basic protective equipment, in-
14 cluding gloves, work-appropriate clothes, and masks;

15 (5) to develop the technical and business capac-
16 ity of artisanal and small-scale miners, helping them
17 comply with environmental, safety, and business reg-
18 ulations;

19 (6) to build entrepreneurial capacity in local
20 communities in order to provide economically fea-
21 sible alternatives to artisanal and small-scale mining;
22 and

23 (7) to support the ongoing development of
24 country-specific policies and implementation of the
25 national strategy to combat trafficking in persons in

1 the DRC, especially to prevent child labor and forced
2 labor in the DRC.

3 (b) COORDINATION.—The USAID Administrator, in
4 coordination with the Secretary of State and heads of
5 other relevant Federal departments and agencies, shall co-
6 ordinate with bilateral and multilateral donors; the Inter-
7 national Monetary Fund; the government of the DRC at
8 national, provincial, and local levels; United Nations agen-
9 cies; civil society and nongovernmental organizations, in-
10 cluding faith-based organizations; and the private sector
11 to combat trafficking in persons in the DRC, including
12 by—

13 (1) supporting efforts by local and civil society
14 organizations, including faith-based organizations,
15 and the government of the DRC at national, provin-
16 cial, and local levels to ensure the end of child labor
17 and forced labor;

18 (2) promoting transparency and accountability
19 of national, provincial, or local level government de-
20 cisions in the DRC with respect to public funds and
21 contracts and other agreements related to the min-
22 ing industry of the DRC, in particular contracts or
23 other agreements entered into with PRC entities, in-
24 cluding China Molybdenum, or PRC state-owned
25 banks or financial institutions; and

1 (3) undertaking efforts set forth in section
2 10(a) above.

3 (c) INTRA-AGENCY EFFORTS.—In carrying out the
4 activities described in this section, the USAID Adminis-
5 trator, in coordination with the Secretary of State and
6 heads of other relevant Federal departments and agencies,
7 shall seek to leverage additional private sector resources
8 to end child labor and forced labor in the mining industry
9 of the DRC, including artisanal and small-scale mining,
10 by increasing cooperation between USAID and such other
11 relevant Federal departments and agencies to better lever-
12 age the full spectrum of grants, technical assistance, and
13 partnerships.

14 **SEC. 9. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs, the
20 Committee on Financial Services, and the Com-
21 mittee on Ways and Means of the House of
22 Representatives; and

23 (B) the Committee on Foreign Relations,
24 the Committee on Banking, Housing, and

1 Urban Affairs and the Committee on Finance
2 of the Senate.

3 (2) ARTISANAL AND SMALL-SCALE MINING.—

4 The term “artisanal and small-scale mining”—

5 (A) means mining with minimal to no
6 mechanization; and

7 (B) includes the use of intensive hand
8 tools.

9 (3) CHILD LABOR.—The term “child labor”
10 means work that deprives children of their child-
11 hood, their potential, and their dignity, and that is
12 harmful to physical and mental development, as such
13 term is commonly used by the International Labour
14 Organization.

15 (4) COVERED DRC GOODS.—The term “covered
16 DRC goods” means goods, wares, articles, or mer-
17 chandise containing metals or minerals, in particular
18 cobalt and lithium and their derivatives, mined, pro-
19 duced, smelted or processed, wholly or in part, by
20 child labor or forced labor in the DRC.

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

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

1 (7) FOREIGN PERSON.—The term “foreign per-
2 son” means a person that is not a United States
3 person.

4 (8) PERSON.—The term “person” means an in-
5 dividual or entity.

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

8 (10) STRATEGIC METALS AND MINERALS.—The
9 term “strategic metals and minerals” means metals
10 and minerals that—

11 (A) are essential to national defense and
12 national security,

13 (B) are used in weapons systems, or

14 (C) are the building blocks for modern
15 technologies that are critical to economic pros-
16 perity for which the United States is dependent
17 on imports from foreign countries,

18 the supply of which is susceptible to control by for-
19 eign powers such as the PRC or the Russian Fed-
20 eration whose interests are inimical to those of the
21 United States.

22 (11) UNITED STATES PERSON.—The term
23 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or any jurisdiction within the
6 United States, including a foreign branch of
7 such an entity.

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