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1ST SESSION

H. RES. 531

Expressing concern over the prevalence of hazardous working conditions for children, especially the worst forms of child labor in the mining of cobalt and other minerals in the Democratic Republic of the Congo.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2019

Mr. CASTRO of Texas (for himself and Mr. FORTENBERRY) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, 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

RESOLUTION

Expressing concern over the prevalence of hazardous working conditions for children, especially the worst forms of child labor in the mining of cobalt and other minerals in the Democratic Republic of the Congo.

Whereas the Department of Labor has reported that the worst forms of child labor have been exploited in the extraction and processing of cobalt ore in the Democratic Republic of the Congo (DRC) and these activities are in violation of international standards;

Whereas the United Nations Children's Fund (UNICEF) estimated that 40,000 children work in mines in the former

Province of Katanga, DRC, including in the cobalt sector;

Whereas the DRC continues to be the world's leading source of mined cobalt, supplying more than 64 percent of global cobalt production in 2018;

Whereas for their economic survival, families often encourage children to work, including in the mining sector;

Whereas cobalt is a strategic and critical mineral used in numerous diverse commercial, industrial, and military applications, for which demand is growing;

Whereas Amnesty International found major electronics and electric vehicle companies are still not doing enough to stop human rights abuses entering their cobalt supply chains;

Whereas key stakeholders, especially industry groups, trade associations, and private companies, have an individual responsibility to identify, prevent, and take action to halt hazardous and working conditions in their cobalt supply chains, and to conduct due diligence with the aim of reducing child labor and improving working conditions in artisanal mines and in the broader cobalt supply chain, thereby respecting human rights, avoiding contributions to conflict, and advancing sustainable development;

Whereas, in August 2017, the Government of the DRC issued a strategy on child labor in which it pledged to end child mining by 2025; and

Whereas countries and companies that utilize cobalt have a responsibility to work with the Government of the DRC and actors in their supply chains to support actions to raise awareness, build enforcement capacity, and improve monitoring and remediation at the national, provincial,

and local levels with the aim of enhancing the capacity of private and public sector entities to eliminate the worst forms of child mining by 2025 and preventing the extraction, supply, and trade of minerals from exploiting children or contributing to other human rights abuses: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) expresses concern over the prevalence of the
3 hazardous, and especially the worst forms of, child
4 labor in the mining of cobalt and other minerals in
5 the Democratic Republic of the Congo (DRC);

6 (2) urges the Secretary of State, the Adminis-
7 trator of the United States Agency for International
8 Development, and the Secretary of Labor to identify,
9 assess, and evaluate the United States commercial
10 recipients of cobalt derived through child labor and
11 for-profit or nonprofit entities that benefit indirectly
12 or directly from the commercial use or trade of such
13 cobalt;

14 (3) calls on the Secretary of State, the Admin-
15 istrator of the United States Agency for Inter-
16 national Development, and the Secretary of Labor to
17 coordinate with key stakeholders, particularly indus-
18 tries which utilize or trade in cobalt, and engage pri-
19 vate multinational corporations, multilateral organi-
20 zations, and the nongovernmental organization com-
21 munity to jointly establish an entity or other asso-

1 ciation with the Government of the DRC, such as
2 the Public-Private Alliance for Responsible Minerals
3 Trade, to partner in developing and implementing
4 plans to reduce child labor and improve working
5 conditions in cobalt mining in the DRC;

6 (4) calls on the Secretary of State, the Admin-
7 istrator of the United States Agency for Inter-
8 national Development, and the Secretary of Labor to
9 develop a strategy and action plan, such as in the
10 Harkin-Engel Protocol for the Growing and Proc-
11 essing of Cocoa Beans, in partnership with the Gov-
12 ernment of the DRC and the entity or other associa-
13 tion outlined above in paragraph (3) to take steps to
14 end the worst forms of child labor in cobalt mining
15 by 2025 by—

16 (A) removing child labor in the extraction
17 of cobalt, including in artisanal and small-scale
18 mining, and replacing exploitive artisanal min-
19 ing with other forms of sustainable, productive
20 economic activity to address local needs and
21 support their reintegration into their commu-
22 nity;

23 (B) ensuring that no minerals, including
24 cobalt, that are produced with the use of the
25 worst forms of child labor, in whole or in part,

1 are utilized in any aspect of any company's
2 business operations, products, or supply chain,
3 and mitigating and eliminating the presence of
4 any child-labor-linked minerals that companies
5 detect in their supply chains or business oper-
6 ations;

7 (C) conducting due diligence on the source
8 and custody of such cobalt, in accordance with
9 the 5-step due diligence process outlined in the
10 Organization for Economic Co-operation and
11 Development's Due Diligence Guidance for Re-
12 sponsible Supply Chains of Minerals from Con-
13 flict-Affected and High-Risk Areas;

14 (D) recommending actions to ensure that
15 sources of cobalt are compliant with restrictions
16 on the worst forms of child labor laws;

17 (E) ensuring that efforts to end child par-
18 ticipation in cobalt mining are properly devel-
19 oped, robust, fully implemented, and monitored,
20 and that training is provided to those respon-
21 sible for executing these activities and to those
22 enforcing labor laws in mining areas for the
23 Government of the DRC;

24 (F) supporting the entity or other associa-
25 tion outlined above in paragraph (3) in

1 partnering with the Government of the DRC to
2 create a public-private system for routine in-
3 spections of artisanal mines;

4 (G) reporting to government regulatory or
5 law enforcement authorities, as applicable, all
6 cases, instances, or information indicating a
7 reasonable risk of linkages between child labor
8 and the production, sale, or use of minerals;
9 and

10 (H) making publicly available findings
11 based on a joint assessment of the Government
12 of the DRC and third-party organizations out-
13 lined in this paragraph; and

14 (5) encourages the United States Trade Rep-
15 resentative to assess developments in the cobalt and
16 other extractive sectors of the DRC when conducting
17 annual reviews mandated under the Africa Growth
18 and Opportunity Act and the Generalized System of
19 Preferences (GSP) program.

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