

To the office of U.S. Representative Christopher H. Smith

Re: HR 10346 (119th Congress), Stop China's Exploitation of Congolese Children and Adult Forced Labor through Cobalt Mining Act • Latest action (2026-09-16): Ordered to be Reported in the Nature of a Substitute by the Yeas and Nays: 32 - 8.

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Office of record (Congress.gov): 2373 Rayburn House Office Building, Washington, DC • (202) 225-3765

Cobalt Supply Chain Accountability and Sunset Act

The measure, as described from the official record: End the use of child labor and adult forced labor in cobalt mining in the Democratic Republic of the Congo and keep cobalt produced that way out of American supply chains.

THE PROPOSAL

The Cobalt Supply Chain Accountability and Sunset Act would direct the Forced Labor Enforcement Task Force to complete a focused, public investigation into forced labor and child labor in cobalt mining in the Democratic Republic of the Congo. The official summary states the original bill calls for such an investigation plus prevention strategies and semiannual briefings. The VFA proposal would keep that goal but tighten it: one public report within 270 days, semiannual briefings after that, and a clear end date.

The report would map where risk is highest, name the methods used to verify claims, and propose steps to stop cobalt mined with forced labor from entering the United States under existing trade law. No new domestic mine, factory, or retail rule would be created. Any company-specific import action would follow written public guidance, notice of the evidence, and a chance to respond before action takes effect, with review by a neutral officer. That structure protects due process while keeping enforcement aimed at foreign commerce and imports, where federal power is strongest.

Funding would be capped at \$8 million total from existing trade and labor enforcement funds, with no new tax. The Government Accountability Office would audit spending and results and report to Congress. The House Ways and Means and Senate Finance Committees would receive each briefing and audit. This keeps costs low, fixes responsibility in one body, and lets Congress judge whether the work is worth continuing.

The authority would sunset after five years, shorter than the eight years stated in the official summary, and would end sooner if the President certifies to Congress that forced labor in that mining sector has ended. The strongest objection is that study and briefings alone will not free workers now. The answer is that a verified public record plus enforceable import screening does more lasting good than a broad ban that courts could strike down or importers cannot follow.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Enactment, with the first report due within 270 days and briefings every six months after that.
Enforcement Mechanism	Use of existing federal authority to bar goods made with forced labor from entry, with public guidance for importers and a new administrative review process before any company-specific import action.
Funding Amount	Capped at \$8 million total over the life of the program, with no new hiring authority beyond detailed staff.
Funding Source	Existing appropriations for trade enforcement and international labor monitoring, with no new tax or fee.
Oversight Body	The Forced Labor Enforcement Task Force as lead, with review by the Government Accountability Office and reports to the House Ways and Means and Senate Finance Committees.
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3
- Article I, Section 8, Clause 1
- Fifth Amendment Due Process
- Tenth Amendment

Concerns with the measure as written:

- The official summary states only an investigation, strategies, and briefings, so any import ban or penalty applied without clear standards and notice could raise Fifth Amendment Due Process concerns.
- Broad prevention strategies could intrude on state criminal, labor, and business regulation reserved under the Tenth Amendment if not limited to federal import and foreign commerce authority.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses this compromise honors Democratic priorities by confronting child labor and forced labor in cobalt supply chains through a mandated investigation, prevention strategies, and regular briefings to Congress. It honors Republican priorities by limiting federal power to study and border enforcement under existing import law, adding a firm spending cap, a five-year sunset with early termination, and independent oversight to prevent open-ended mandates or new domestic regulation.

Strongest objection, and the answer: The strongest objection is that study and briefings alone will not free workers now. The answer is that a verified public record plus enforceable import screening does more lasting good than a broad ban that courts could strike down or importers cannot follow.

CHECK BEFORE RELYING ON THIS

Basis: The basis is the Congress.gov official summary of House Bill 10346 in the 119th Congress, which states the bill would require the Forced Labor Enforcement Task Force to

investigate alleged forced labor in cobalt mining in the Democratic Republic of the Congo, submit prevention strategies, provide semiannual briefings, and end after eight years or upon a presidential determination that forced labor has ended, with committee action reported as ordered to be reported by 32 to 8.

The full bill text and current law were not available for this draft. Readers should verify at Congress.gov the scope of Task Force powers, existing import bans and appeal rights, eligibility and evidentiary standards, fiscal effects, and whether any new penalty or private right is created. Administrative review and spending caps described here are new proposed safeguards, not confirmed existing rights.

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