

118TH CONGRESS  
2D SESSION

# S. 4702

To impose duties on electromagnets, battery cells, electric storage batteries,  
and photovoltaic cells imported from certain countries.

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## IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. RUBIO introduced the following bill; which was read twice and referred  
to the Committee on Finance

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## A BILL

To impose duties on electromagnets, battery cells, electric  
storage batteries, and photovoltaic cells imported from  
certain countries.

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 “Critical Mineral Supply  
5 Chain Realignment Act of 2024”.

1 **SEC. 2. DUTIES ON ELECTROMAGNETS, BATTERY CELLS,**  
2 **ELECTRIC STORAGE BATTERIES, AND PHOTO-**  
3 **VOLTAIC CELLS IMPORTED FROM CERTAIN**  
4 **COUNTRIES.**

5 (a) IN GENERAL.—Notwithstanding any other provi-  
6 sion of law, there shall be imposed a duty at the rate speci-  
7 fied in subsection (b) on each article that is imported into  
8 the United States and classified under any of the following  
9 headings or subheadings of the Harmonized Tariff Sched-  
10 ule of the United States:

- 11 (1) 8505.  
12 (2) 8506.  
13 (3) 8507.  
14 (4) 8541.42.00.  
15 (5) 8541.43.00.

16 (b) RATES OF DUTY SPECIFIED.—The rate of duty  
17 specified in this subsection with respect to an article de-  
18 scribed in subsection (a) is—

- 19 (1) 25 percent ad valorem on and after the date  
20 of the enactment of this Act if the article was pro-  
21 duced or manufactured, or underwent final assem-  
22 bly, in a country other than—

- 23 (A) an ally described in section 3(b)(2) of  
24 the Arms Export Control Act (22 U.S.C.  
25 2753(b)(2));

1 (B) a country designated by the President  
2 as a major non-NATO ally under section 517 of  
3 the Foreign Assistance Act of 1961 (22 U.S.C.  
4 2321k);

5 (C) Mexico, if the United States-Mexico-  
6 Canada Agreement, or a successor agreement,  
7 is in effect;

8 (D) Costa Rica, El Salvador, Guatemala,  
9 Honduras, and the Dominican Republic, if the  
10 Dominican Republic-Central America Free  
11 Trade Agreement, or a successor agreement, is  
12 in effect;

13 (E) Chile, if the United States-Chile Free  
14 Trade Agreement, or a successor agreement, is  
15 in effect; and

16 (F) India, for a period of 10 years begin-  
17 ning on the date of the enactment of this Act;

18 (2) if the article was produced or manufac-  
19 tured, or underwent final assembly, by a person of  
20 the People's Republic of China in a country de-  
21 scribed in paragraph (1), 150 percent ad valorem on  
22 and after such date of enactment; and

23 (3) if the article was produced or manufac-  
24 tured, or underwent final assembly, in the People's  
25 Republic of China—

1 (A) 150 percent ad valorem during the pe-  
2 riod—

3 (i) beginning on such date of enact-  
4 ment; and

5 (ii) ending on the day before the date  
6 that is 1 year after such date of enact-  
7 ment;

8 (B) 300 percent ad valorem during the pe-  
9 riod—

10 (i) beginning on the date that is 1  
11 year after such date of enactment; and

12 (ii) ending on the day before the date  
13 that is 2 years after such date of enact-  
14 ment;

15 (C) 450 percent ad valorem during the pe-  
16 riod—

17 (i) beginning on the date that is 2  
18 years after such date of enactment; and

19 (ii) ending on the day before the date  
20 that is 3 years after such date of enact-  
21 ment; and

22 (D) 800 percent ad valorem on and after  
23 the date that is 3 year after such date of enact-  
24 ment.

1       (c) ADDITIONAL DUTIES.—The duty imposed under  
2 subsection (a) with respect to an article described in that  
3 subsection is in addition to any other duty applicable to  
4 the article.

5       (d) DEFINITIONS.—In this section:

6           (1) CONTROL.—The term “control” has the  
7 meaning given that term in section 800.208 of title  
8 31, Code of Federal Regulations (as in effect on the  
9 date of the enactment of this Act).

10          (2) OWNED, CONTROLLED, DIRECTED, OR OP-  
11 ERATED.—The term “owned, controlled, directed, or  
12 operated”, with respect to an entity, includes any  
13 entity for which, on any date during the most recent  
14 12-month period, not less than 25 percent of the eq-  
15 uity interests in such entity are held directly or indi-  
16 rectly by 1 or more persons of the People’s Republic  
17 of China described in any of subparagraphs (A)  
18 through (E) of paragraph (3), including through—

19           (A) interests in co-investment vehicles,  
20 joint ventures, or similar arrangements; or

21           (B) a derivative financial instrument or  
22 contractual arrangement between the entity and  
23 such a person, including any such instrument  
24 or contract that seeks to replicate any financial

1 return with respect to such entity or interest in  
2 such entity.

3 (3) PERSON OF THE PEOPLE’S REPUBLIC OF  
4 CHINA.—The term “person of the People’s Republic  
5 of China” means—

6 (A) the Government of the People’s Repub-  
7 lic of China;

8 (B) any agency, instrumentality, official,  
9 or agent of that Government;

10 (C) any entity the headquarters of which  
11 are located in the People’s Republic of China;

12 (D) any entity organized under the laws of  
13 the People’s Republic of China;

14 (E) any entity substantively involved in the  
15 industrial policies or military-civil fusion strat-  
16 egy of the People’s Republic of China, including  
17 by accepting funding from, performing a service  
18 for, or receiving a subsidy from the People’s  
19 Republic of China related to such policies or  
20 strategy; or

21 (F) any entity owned, controlled, directed,  
22 or operated by an entity described in any of  
23 subparagraphs (A) through (E).

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