

118TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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; and

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).