

118TH CONGRESS
2D SESSION

S. 5190

To prohibit the procurement of certain batteries by the Department of State.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. SCOTT of South Carolina (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To prohibit the procurement of certain batteries by the
Department of State.

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 “Blocking Bad Bat-
5 teries Act”.

6 **SEC. 2. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
7 **PROCUREMENT OF CERTAIN BATTERIES.**

8 (a) LIMITATION.—Beginning on October 1, 2027,
9 none of the funds appropriated or otherwise made avail-
10 able for the Department of State may be obligated or ex-

1 pended to procure a battery produced by an entity speci-
2 fied in subsection (b).

3 (b) ENTITIES SPECIFIED.—The entities specified in
4 this subsection are the following:

5 (1) Contemporary Amperex Technology Com-
6 pany, Limited (also known as “CATL”).

7 (2) BYD Company, Limited.

8 (3) Envision Energy, Limited.

9 (4) EVE Energy Company, Limited.

10 (5) Gotion High tech Company, Limited.

11 (6) Hithium Energy Storage Technology com-
12 pany, Limited.

13 (7) Any successor to an entity specified in para-
14 graphs (1) through (6).

15 (c) TREATMENT OF PRODUCTION.—For purposes of
16 this section, a battery shall be treated as produced by an
17 entity specified in subsection (b) if that entity—

18 (1) assembles or manufactures the final prod-
19 uct; or

20 (2) creates or otherwise provides a majority of
21 the components used in the battery.

22 (d) NATIONAL INTEREST WAIVER.—The Secretary of
23 State may waive the limitation under subsection (a) if the
24 Secretary submits to the Committee on Foreign Relations

1 of the Senate and the Committee on Foreign Affairs of
2 the House of Representatives—

3 (1) a written determination that the waiver is
4 important to the national interests of the United
5 States; and

6 (2) a detailed explanation of how such waiver is
7 important to those interests.

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