

Union Calendar No. 530

118TH CONGRESS
2^D SESSION

H. R. 8631

[Report No. 118-633]

To prohibit the Secretary of Homeland Security from procuring certain foreign-made batteries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2024

Mr. GIMENEZ (for himself, Mr. GREEN of Tennessee, Mr. MOOLENAAR, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Homeland Security

AUGUST 23, 2024

Additional sponsor: Mr. MEUSER

AUGUST 23, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on June 5, 2024]

A BILL

To prohibit the Secretary of Homeland Security from procuring certain foreign-made batteries, and for other purposes.

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 “Decoupling from Foreign*
5 *Adversarial Battery Dependence Act”.*

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

8 (a) *IN GENERAL.*—*Beginning on October 1, 2027,*
9 *none of the funds authorized to be appropriated or otherwise*
10 *made available for the Department of Homeland Security*
11 *may be obligated to procure a battery produced by an entity*
12 *specified in subsection (b).*

13 (b) *ENTITIES SPECIFIED.*—*The entities specified in*
14 *this subsection are the following:*

15 (1) *Contemporary Amperex Technology Com-*
16 *pany, Limited (also known as “CATL”).*

17 (2) *BYD Company, Limited.*

18 (3) *Envision Energy, Limited.*

19 (4) *EVE Energy Company, Limited.*

20 (5) *Gotion High tech Company, Limited.*

21 (6) *Hithium Energy Storage Technology com-*
22 *pany, Limited.*

23 (7) *Any entity on any list required under clauses*
24 *(i), (ii), (iv), or (v) of section 2(d)(2)(B) of Public*

1 *Law 117–78 (commonly referred to as the “Uyghur*
2 *Forced Labor Prevention Act”)*.

3 *(8) Any entity identified by the Secretary of De-*
4 *fense as a Chinese military company pursuant to sec-*
5 *tion 1260H of the William M. (Mac) Thornberry Na-*
6 *tional Defense Authorization Act for Fiscal Year 2021*
7 *(10 U.S.C. 113 note).*

8 *(9) Any entity included in Supplement No. 4 to*
9 *part 744 of title 15, Code of Federal Regulations, or*
10 *any successor regulation.*

11 *(10) Any subsidiary or successor to an entity*
12 *specified in paragraphs (1) through (9).*

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

16 *(1) assembles or manufactures the final product*
17 *that uses such battery; or*

18 *(2) creates or otherwise provides a majority of*
19 *the components used in such battery.*

20 *(d) WAIVERS.—*

21 *(1) RELATING TO ASSESSMENT.—The Secretary*
22 *of Homeland Security may waive the limitation*
23 *under subsection (a) if the Secretary assesses in the*
24 *affirmative all of the following:*

1 (A) *The batteries to be procured do not pose*
2 *a national security, data, or infrastructure risk*
3 *to the United States.*

4 (B) *There is no available alternative to pro-*
5 *cure batteries that are—*

6 (i) *of similar or better cost and qual-*
7 *ity; and*

8 (ii) *produced by an entity not specified*
9 *in subsection (b).*

10 (2) *RELATING TO RESEARCH.—The Secretary of*
11 *Homeland Security may waive the limitation under*
12 *subsection (a) if the Secretary determines that the*
13 *batteries to be procured are for the sole purpose of re-*
14 *search, evaluation, training, testing, or analysis*

15 (3) *CONGRESSIONAL NOTIFICATION.—Not later*
16 *than 15 days after granting a waiver under this sub-*
17 *section, the Secretary of Homeland Security shall sub-*
18 *mit to the Committee on Homeland Security of the*
19 *House of Representatives and the Committee on*
20 *Homeland Security and Governmental Affairs of the*
21 *Senate a notification relating thereto.*

22 (e) *REPORT.—Not later than 180 days after the date*
23 *of the enactment of this Act, the Secretary of Homeland Se-*
24 *curity shall submit to the Committee on Homeland Security*
25 *of the House of Representatives and the Committee on*

1 *Homeland Security and Governmental Affairs of the Senate*
2 *a report on the anticipated impacts on mission and costs*
3 *on the Department of Homeland Security associated with*
4 *carrying out this section, including with respect to fol-*
5 *lowing components of the Department:*

6 (1) *U.S. Customs and Border Protection, includ-*
7 *ing the U.S. Border Patrol.*

8 (2) *U.S. Immigration and Customs Enforcement,*
9 *including Homeland Security Investigations.*

10 (3) *The United States Secret Service.*

11 (4) *The Transportation Security Administra-*
12 *tion.*

13 (5) *The United States Coast Guard.*

14 (6) *The Federal Protective Service.*

15 (7) *The Federal Emergency Management Agency.*

16 (8) *The Federal Law Enforcement Training Cen-*
17 *ters.*

18 (9) *The Cybersecurity and Infrastructure Secu-*
19 *rity Agency.*

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