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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. GIMENEZ introduced the following bill; which was referred to the Committee on _____

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 For-
5 eign Adversarial Battery Dependence Act”.

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

3 (a) IN GENERAL.—Beginning on October 1, 2027,
4 none of the funds authorized to be appropriated or other-
5 wise made available for the Department of Homeland Se-
6 curity may be obligated to procure a battery produced by
7 an entity specified in subsection (b).

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

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

12 (2) BYD Company, Limited.

13 (3) Envision Energy, Limited.

14 (4) EVE Energy Company, Limited.

15 (5) Gotion High tech Company, Limited.

16 (6) Hithium Energy Storage Technology com-
17 pany, Limited.

18 (7) Any entity on any list required under
19 clauses (i), (ii), (iv), or (v) of section 2(d)(2)(B) of
20 Public Law 117–78 (commonly referred to as the
21 “Uyghur Forced Labor Prevention Act”).

22 (8) Any entity identified by the Secretary of
23 Defense as a Chinese military company pursuant to
24 section 1260H of the William M. (Mac) Thornberry
25 National Defense Authorization Act for Fiscal Year
26 2021 (10 U.S.C. 113 note).

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

4 (10) Any subsidiary or successor to an entity
5 specified in paragraphs (1) through (9).

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

9 (1) assembles or manufactures the final product
10 that uses such battery; or

11 (2) creates or otherwise provides a majority of
12 the components used in such battery.

13 (d) WAIVERS.—

14 (1) RELATING TO ASSESSMENT.—The Secretary
15 of Homeland Security may waive the prohibition
16 under subsection (a) if the Secretary assesses in the
17 affirmative all of the following:

18 (A) The batteries to be procured do not
19 pose a national security, data, or infrastructure
20 risk to the United States.

21 (B) There is no available alternative to
22 procure batteries that are—

23 (i) of similar or better cost and qual-
24 ity; and

1 (ii) produced by an entity not speci-
2 fied in subsection (b).

3 (2) RELATING TO RESEARCH.—The Secretary
4 of Homeland Security may waive the prohibition
5 under subsection (a) if the Secretary determines
6 that the batteries to be procured are for the sole
7 purpose of research, evaluation, training, testing, or
8 analysis.

9 (3) CONGRESSIONAL NOTIFICATION.—Not later
10 than 15 days after granting a waiver under this sub-
11 section, the Secretary of Homeland Security shall
12 submit to the Committee on Homeland Security of
13 the House of Representatives and the Committee on
14 Homeland Security and Governmental Affairs of the
15 Senate a notification relating thereto.

16 (e) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Homeland
18 Security shall submit to the Committee on Homeland Se-
19 curity of the House of Representatives and the Committee
20 on Homeland Security and Governmental Affairs of the
21 Senate a report on the anticipated impacts on mission and
22 costs on the Department of Homeland Security associated
23 with carrying out this section, including with respect to
24 following components of the Department:

1 (1) U.S. Customs and Border Protection, in-
2 cluding the U.S. Border Patrol.

3 (2) U.S. Immigration and Customs Enforce-
4 ment, including Homeland Security Investigations.

5 (3) The United States Secret Service.

6 (4) The Transportation Security Administra-
7 tion.

8 (5) The United States Coast Guard.

9 (6) The Federal Protective Service.

10 (7) The Federal Emergency Management Agen-
11 cy.

12 (8) The Federal Law Enforcement Training
13 Centers.

14 (9) The Cybersecurity and Infrastructure Secu-
15 rity Agency.