

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. GIMENEZ OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Decoupling from For-
3 eign Adversarial Battery Dependence Act”.

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

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

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

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

15 (2) BYD Company, Limited.

16 (3) Envision Energy, Limited.

17 (4) EVE Energy Company, Limited.

18 (5) Gotion High tech Company, Limited.

1 (6) Hithium Energy Storage Technology com-
2 pany, Limited.

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

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

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

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

12 (d) WAIVERS.—

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

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

20 (B) The entity that produced such bat-
21 teries does not satisfy the criteria for listing
22 under—

23 (i) section 1260H of the National De-
24 fense Authorization Act for Fiscal Year
25 2021 (10 U.S.C. 113 note); or

1 (ii) Public Law 117–78 (commonly re-
2 ferred to as the “Uyghur Forced Labor
3 Prevention Act”).

4 (C) There is no available alternative to
5 procure batteries that are—

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

8 (ii) produced by an entity not speci-
9 fied in subsection (b).

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

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

