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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

# H. R. 8631

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

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## IN THE HOUSE OF REPRESENTATIVES

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

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## 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 of 2024”.

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 successor to an entity specified in para-  
19 graphs (1) through (6).

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

23 (1) assembles or manufactures the final product  
24 that uses such battery; or

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

1 (d) WAIVERS.—

2 (1) RELATING TO ASSESSMENT.—The Secretary  
3 of Homeland Security may waive the limitation  
4 under subsection (a) if the Secretary assesses in the  
5 affirmative all of the following:

6 (A) The batteries to be procured do not  
7 pose a national security, data, or infrastructure  
8 risk to the United States.

9 (B) The entity that produced such bat-  
10 teries does not satisfy the criteria for listing  
11 under—

12 (i) section 1260H of the National De-  
13 fense Authorization Act for Fiscal Year  
14 2021 (10 U.S.C. 113 note); or

15 (ii) Public Law 117–78 (commonly re-  
16 ferred to as the “Uyghur Forced Labor  
17 Prevention Act”).

18 (C) There is no available alternative to  
19 procure batteries that are—

20 (i) of similar or better cost and qual-  
21 ity; and

22 (ii) produced by an entity not speci-  
23 fied in subsection (b).

24 (2) RELATING TO RESEARCH.—The Secretary  
25 of Homeland Security may waive the limitation

1 under subsection (a) if the Secretary determines  
2 that the batteries to be procured are for the sole  
3 purpose of research, evaluation, training, testing, or  
4 analysis

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