

118TH CONGRESS
2D SESSION

H. R. 8631

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To prohibit the Secretary of Homeland Security from pro-
curing certain foreign-made batteries, and for other pur-
poses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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.

19 (6) Hithium Energy Storage Technology com-
20 pany, Limited.

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

25 (8) Any entity identified by the Secretary of
26 Defense as a Chinese military company pursuant to

1 section 1260H of the William M. (Mac) Thornberry
2 National Defense Authorization Act for Fiscal Year
3 2021 (10 U.S.C. 113 note).

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

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

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

12 (1) assembles or manufactures the final product
13 that uses such battery; or

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

16 (d) WAIVERS.—

17 (1) RELATING TO ASSESSMENT.—The Secretary
18 of Homeland Security may waive the limitation
19 under subsection (a) if the Secretary assesses in the
20 affirmative all of the following:

21 (A) The batteries to be procured do not
22 pose a national security, data, or infrastructure
23 risk to the United States.

24 (B) There is no available alternative to
25 procure batteries that are—

1 (i) of similar or better cost and qual-
2 ity; and

3 (ii) produced by an entity not speci-
4 fied in subsection (b).

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

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

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

1 with carrying out this section, including with respect to
2 following components of the Department:

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

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

7 (3) The United States Secret Service.

8 (4) The Transportation Security Administra-
9 tion.

10 (5) The United States Coast Guard.

11 (6) The Federal Protective Service.

12 (7) The Federal Emergency Management Agen-
13 cy.

14 (8) The Federal Law Enforcement Training
15 Centers.

16 (9) The Cybersecurity and Infrastructure Secu-
17 rity Agency.

Passed the House of Representatives September 9,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.