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118TH CONGRESS
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H. R. 8631

[Report No. 118–307]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

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

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

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

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,*

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 limitation
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 limitation
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 ~~(c) 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.~~

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Decoupling from Foreign*
 18 *Adversarial Battery Dependence Act”.*

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

21 (a) *IN GENERAL.*—Beginning on October 1, 2028,
 22 *none of the funds authorized to be appropriated or otherwise*
 23 *made available for the Department of Homeland Security*
 24 *may be obligated to procure a battery produced by an entity*
 25 *specified in subsection (b).*

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

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

5 (2) *BYD Company, Limited.*

6 (3) *Envision Energy, Limited.*

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

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

9 (6) *Hithium Energy Storage Technology com-*
10 *pany, Limited.*

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

15 (8) *Any entity identified by the Secretary of De-*
16 *fense as a Chinese military company pursuant to sec-*
17 *tion 1260H of the William M. (Mac) Thornberry Na-*
18 *tional Defense Authorization Act for Fiscal Year 2021*
19 *(10 U.S.C. 113 note).*

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

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

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

4 (1) assembles or manufactures the final product
 5 that uses such battery; or

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

8 (d) *WAIVERS.*—

9 (1) *RELATING TO ASSESSMENT.*—The Secretary
 10 of Homeland Security may waive the limitation
 11 under subsection (a) if the Secretary assesses in the
 12 affirmative all of the following:

13 (A) The batteries to be procured do not pose
 14 a national security, data, or infrastructure risk
 15 to the United States.

16 (B) There is no available alternative to pro-
 17 cure batteries that are—

18 (i) of similar or better cost and qual-
 19 ity; and

20 (ii) produced by an entity not specified
 21 in subsection (b).

22 (2) *RELATING TO RESEARCH.*—The Secretary of
 23 Homeland Security may waive the limitation under
 24 subsection (a) if the Secretary determines that the

1 *batteries to be procured are for the sole purpose of re-*
2 *search, evaluation, training, testing, or analysis.*

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

10 (e) *REPORT.*—

11 (1) *IN GENERAL.*—*Not later than 180 days after*
12 *the date of enactment of this Act, the Secretary of*
13 *Homeland Security shall submit to the Committee on*
14 *Homeland Security and Governmental Affairs of the*
15 *Senate and the Committee on Homeland Security of*
16 *the House of Representatives a report on the antici-*
17 *ipated impacts on mission and costs on the Depart-*
18 *ment of Homeland Security associated with carrying*
19 *out this section, including with respect to the fol-*
20 *lowing components of the Department:*

21 (A) *U.S. Customs and Border Protection,*
22 *including the U.S. Border Patrol.*

23 (B) *U.S. Immigration and Customs En-*
24 *forcement, including Homeland Security Inves-*
25 *tigations.*

1 (C) *The United States Secret Service.*

2 (D) *The Transportation Security Adminis-*
3 *tration.*

4 (E) *The United States Coast Guard.*

5 (F) *The Federal Protective Service.*

6 (G) *The Federal Emergency Management*
7 *Agency.*

8 (H) *The Federal Law Enforcement Train-*
9 *ing Centers.*

10 (I) *The Cybersecurity and Infrastructure*
11 *Security Agency.*

12 (2) *CONTENTS OF REPORT.—The report sub-*
13 *mitted under paragraph (1) shall include—*

14 (A) *the anticipated impacts on mission*
15 *readiness, operational effectiveness, and costs for*
16 *each component of the Department of Homeland*
17 *Security;*

18 (B) *the estimated costs associated with*
19 *transitioning to compliant batteries, including*
20 *comparisons to prior procurement costs;*

21 (C) *a description of risk mitigation strate-*
22 *gies for ensuring operational continuity during*
23 *the transition; and*

1 (D) any identified gaps in domestic battery
2 production capabilities that may affect compli-
3 ance with this Act.

4 (f) *RULE OF CONSTRUCTION.*—Nothing in this section
5 shall be construed—

6 (1) to require any battery produced by an entity
7 specified in subsection (b) in use or resident in equip-
8 ment, systems, or services as of the day before the ap-
9 plicable effective date specified in subsection (a) to be
10 removed or replaced; or

11 (2) to prohibit or limit the utilization of such
12 battery throughout the lifecycle of such existing equip-
13 ment.

14 **SEC. 3. NO NEW FUNDS.**

15 No additional funds are authorized to be appropriated
16 for the purpose of carrying out this Act.

17 **SEC. 4. SUNSET.**

18 Effective on October 1, 2033, this Act shall have no
19 force or effect.

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

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported with an amendment