

118TH CONGRESS
2D SESSION

S. 5572

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Mr. SCOTT of Florida (for himself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

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

8 (a) IN GENERAL.—Beginning on October 1, 2027,
9 none of the funds authorized to be appropriated or other-

1 wise made available for the Department of Homeland Se-
2 curity may be obligated to procure a battery produced by
3 an entity specified in subsection (b).

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

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

8 (2) BYD Company, Limited.

9 (3) Envision Energy, Limited.

10 (4) EVE Energy Company, Limited.

11 (5) Gotion High-tech Company, Limited.

12 (6) Hithium Energy Storage Technology com-
13 pany, Limited.

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

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

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

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

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

6 (1) assembles or manufactures the final product
7 that uses such battery; or

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

10 (d) WAIVERS.—

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

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

18 (B) 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 and
9 Governmental Affairs of the Senate and the Com-
10 mittee on Homeland Security of the House of Rep-
11 resentatives a notification relating thereto.

12 (e) REPORT.—Not later than 180 days after the date
13 of enactment of this Act, the Secretary of Homeland Secu-
14 rity shall submit to the Committee on Homeland Security
15 and Governmental Affairs of the Senate and the Com-
16 mittee on Homeland Security of the House of Representa-
17 tives a report on the anticipated impacts on mission and
18 costs on the Department of Homeland Security associated
19 with carrying out this section, including with respect to
20 the following components of the Department:

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

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

25 (3) The United States Secret Service.

1 (4) The Transportation Security Administra-
2 tion.

3 (5) The United States Coast Guard.

4 (6) The Federal Protective Service.

5 (7) The Federal Emergency Management Agen-
6 cy.

7 (8) The Federal Law Enforcement Training
8 Centers.

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

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