

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on _____

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-
10 wise made available for the Department of Homeland Se-

1 curity may be obligated to procure a battery produced by
2 an entity specified in subsection (b).

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

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

7 (2) BYD Company, Limited.

8 (3) Envision Energy, Limited.

9 (4) EVE Energy Company, Limited.

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

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

13 (7) Any entity on any list required under
14 clauses (i), (ii), (iv), or (v) of section 2(d)(2)(B) of
15 the Act entitled “An Act to ensure that goods made
16 with forced labor in the Xinjiang Autonomous Re-
17 gion of the People’s Republic of China do not enter
18 the United States market, and for other purposes”,
19 approved December 23, 2021 (Public Law 117–78;
20 22 U.S.C. 6901 note) (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

1 National Defense Authorization Act for Fiscal Year
2 2021 (10 U.S.C. 113 note).

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

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

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

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

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

15 (d) WAIVERS.—

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

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

23 (B) There is no available alternative to
24 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 and
15 Governmental Affairs of the Senate and the Com-
16 mittee on Homeland Security of the House of Rep-
17 resentatives a notification relating thereto.

18 (e) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, the Secretary of Homeland Secu-
20 rity shall submit to the Committee on Homeland Security
21 and Governmental Affairs of the Senate and the Com-
22 mittee on Homeland Security of the House of Representa-
23 tives 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 the 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.