

AMENDMENT TO RULES COMM. PRINT 119–8
OFFERED BY MR. GIMENEZ OF FLORIDA

Add at the end of subtitle A of title XVII of division
A the following:

1 SEC. 1703. 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

1 Public Law 117–78 (commonly referred to as the
2 “Uyghur Forced Labor Prevention Act”).

3 (8) Any entity identified by the Secretary of
4 Defense as a Chinese military company pursuant to
5 section 1260H of the William M. (Mac) Thornberry
6 National Defense Authorization Act for Fiscal Year
7 2021 (10 U.S.C. 113 note).

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

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

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

16 (1) assembles or manufactures the final product
17 that uses such battery; or

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

20 (d) WAIVERS.—

21 (1) RELATING TO ASSESSMENT.—The Secretary
22 of Homeland Security may waive the prohibition
23 under subsection (a) if the Secretary assesses in the
24 affirmative all of the following:

1 (A) The batteries to be procured do not
2 pose a national security, data, or infrastructure
3 risk to the United States.

4 (B) There is no available alternative to
5 procure batteries that are—

6 (i) of similar or better cost and qual-
7 ity; and

8 (ii) produced by an entity not speci-
9 fied in subsection (b).

10 (2) RELATING TO RESEARCH.—The Secretary
11 of Homeland Security may waive the prohibition
12 under subsection (a) if the Secretary determines
13 that the batteries to be procured are for the sole
14 purpose of research, evaluation, training, testing, or
15 analysis.

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

23 (e) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of Homeland
25 Security shall submit to the Committee on Homeland Se-

1 curity of the House of Representatives and the Committee
2 on Homeland Security and Governmental Affairs of the
3 Senate a report on the anticipated impacts on mission and
4 costs on the Department of Homeland Security associated
5 with carrying out this section, including with respect to
6 following components of the Department:

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

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

11 (3) The United States Secret Service.

12 (4) The Transportation Security Administra-
13 tion.

14 (5) The United States Coast Guard.

15 (6) The Federal Protective Service.

16 (7) The Federal Emergency Management Agen-
17 cy.

18 (8) The Federal Law Enforcement Training
19 Centers.

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

