

116TH CONGRESS
2D SESSION

S. 3356

To support the reuse and recycling of batteries and critical minerals, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Mr. KING introduced the following bill; which was read twice and referred to
the Committee on Energy and Natural Resources

A BILL

To support the reuse and recycling of batteries and critical
minerals, 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 “Battery and Critical
5 Mineral Recycling Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) BATTERY.—The term “battery” means a
9 battery that is—

10 (A) rechargeable; and

1 (B) electrochemical, including lithium ion
 2 and other chemistries.

3 (2) SECRETARY.—The term “Secretary” means
 4 the Secretary of Energy.

5 **SEC. 3. GRANTS.**

6 (a) BATTERY RECYCLING RESEARCH, DEVELOP-
 7 MENT, AND DEMONSTRATION GRANTS.—

8 (1) IN GENERAL.—The Secretary shall award
 9 multiyear grants to eligible entities for research, de-
 10 velopment, and demonstration projects to create in-
 11 novative and practical approaches to increase the
 12 reuse and recycling of batteries, including by ad-
 13 dressing—

14 (A) recycling processes;

15 (B) the development of methods to pro-
 16 mote the design and production of batteries
 17 that take into full account and facilitate the
 18 dismantling, reuse, recovery, and recycling of
 19 battery components and materials;

20 (C) strategies to increase consumer accept-
 21 ance of, and participation in, the recycling of
 22 batteries; and

23 (D) the integration of increased quantities
 24 of recycled critical minerals in batteries and

1 other products to develop markets for recycled
2 battery materials and critical minerals.

3 (2) ELIGIBLE ENTITIES.—The Secretary may
4 award a grant under paragraph (1) to—

5 (A) an institution of higher education;

6 (B) a National Laboratory;

7 (C) a Federal research agency;

8 (D) a State research agency;

9 (E) a nonprofit organization;

10 (F) an industrial entity;

11 (G) a manufacturing entity;

12 (H) a private battery-collection entity;

13 (I) a State or municipal government entity;

14 (J) a battery retailer; or

15 (K) a consortium of 2 or more entities de-
16 scribed in subparagraphs (A) through (J).

17 (3) APPLICATIONS.—

18 (A) IN GENERAL.—To be eligible to receive
19 a grant under paragraph (1), an eligible entity
20 described in paragraph (2) shall submit to the
21 Secretary an application at such time, in such
22 manner, and containing such information as the
23 Secretary may require.

(B) CONTENTS.—An application submitted under subparagraph (A) shall describe how the project will promote collaboration among—

(i) vehicle battery manufacturers;

(ii) other battery manufacturers;

(iii) battery material and equipment manufacturers;

(iv) battery recyclers, collectors, and refiners; and

(v) retailers.

(b) STATE AND LOCAL PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall award grants, on a competitive basis, to States and units of local government to assist in the establishment or enhancement of State battery collection, recycling, and reprocessing programs.

(2) NON-FEDERAL COST SHARE.—The non-Federal share of the cost of a project carried out using a grant under this subsection shall be 50 percent of the cost of the project.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the number of battery collection

1 points established or enhanced, an estimate of jobs
 2 created, and the quantity of material collected as a
 3 result of the grants awarded under paragraph (1).

4 (c) RETAILERS AS COLLECTION POINTS.—

5 (1) IN GENERAL.—The Secretary shall award
 6 grants, on a competitive basis, to retailers that sell
 7 batteries to establish and implement a system for
 8 the acceptance and collection of used batteries for
 9 reuse, recycling, or proper disposal.

10 (2) COLLECTION SYSTEM.—The system de-
 11 scribed in paragraph (1) shall include take-back of
 12 used batteries at no cost to the consumer.

13 **SEC. 4. LITHIUM-ION BATTERY RECYCLING PRIZE COM-**
 14 **PETITION.**

15 (a) IN GENERAL.—The Secretary shall continue to
 16 carry out the existing Lithium-Ion Battery Recycling
 17 Prize competition of the Department of Energy estab-
 18 lished under section 24 of the Stevenson-Wydler Tech-
 19 nology Innovation Act of 1980 (15 U.S.C. 3719).

20 (b) ADDITIONAL FUNDING FOR PILOT PROJECTS.—
 21 In addition to any other funds made available to the Sec-
 22 retary to carry out the competition described in subsection
 23 (a), there is authorized to be appropriated to the Secretary
 24 to carry out Phase III of that competition \$10,000,000

1 for fiscal year 2021, to remain available until expended,
2 which the Secretary may use—

3 (1) to increase the number of winners of Phase
4 III of that competition;

5 (2) to increase the amount awarded to the win-
6 ners of Phase III of that competition; or

7 (3) to carry out any other activity that is con-
8 sistent with the goals of Phase III of that competi-
9 tion, as determined by the Secretary.

10 **SEC. 5. BEST PRACTICES FOR COLLECTION OF BATTERIES.**

11 (a) IN GENERAL.—The Administrator of the Envi-
12 ronmental Protection Agency (referred to in this section
13 as the “Administrator”) shall develop best practices for
14 the collection of batteries that may be cost-effectively im-
15 plemented by States and units of local government.

16 (b) COORDINATION.—The Administrator shall de-
17 velop best practices under subsection (a) in coordination
18 with State and local leaders and entities in relevant pri-
19 vate sectors.

20 (c) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Administrator shall submit
22 to Congress a report describing the best practices devel-
23 oped under this section.

1 **SEC. 6. VOLUNTARY LABELING PROGRAM.**

2 (a) IN GENERAL.—There is established within the
3 Department of Energy and the Environmental Protection
4 Agency a voluntary program to promote battery recycling
5 and identify collection points in order to reduce battery
6 waste, improve collection, and reduce safety concerns
7 through—

8 (1) voluntary labeling of batteries; or

9 (2) other forms of communication about the
10 reuse and recycling of critical materials from bat-
11 teries.

12 (b) DIVISION OF RESPONSIBILITIES.—Responsibil-
13 ities under the program established by subsection (a) shall
14 be divided between the Secretary and the Administrator
15 of the Environmental Protection Agency (referred to in
16 this section as the “Administrator”) in accordance with
17 the terms of applicable agreements between the Secretary
18 and the Administrator.

19 **SEC. 7. TASK FORCE ON PRODUCER REQUIREMENTS.**

20 (a) IN GENERAL.—The Secretary shall convene a
21 task force to develop an extended battery producer respon-
22 sibility framework that—

23 (1) addresses battery recycling goals, cost struc-
24 tures for mandatory recycling, reporting require-
25 ments, product design, collection models, and trans-
26 portation of collected materials;

1 (2) provides sufficient flexibility to allow battery
2 producers to determine cost-effective strategies for
3 compliance with the framework; and

4 (3) outlines regulatory pathways for effective
5 recycling.

6 (b) TASK FORCE PARTICIPANTS.—The task force
7 convened under subsection (a) shall include—

8 (1) battery producers, retailers, recyclers, col-
9 lectors, and refiners;

10 (2) States and municipalities; and

11 (3) other relevant stakeholders, as determined
12 by the Secretary.

13 (c) REPORT.—Not later than 1 year after the date
14 on which the Secretary convenes the task force under sub-
15 section (a), the Secretary shall submit to Congress a re-
16 port that—

17 (1) describes the extended producer responsi-
18 bility framework developed by the task force;

19 (2) includes the recommendations of the task
20 force on how best to implement a mandatory pay-in
21 or other enforcement mechanism to ensure battery
22 producers and sellers are contributing to the recy-
23 cling of batteries; and

24 (3) suggests regulatory pathways for effective
25 recycling.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$30,000,000 for each of fiscal years 2021 through
4 2025.

