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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Battery and Critical Mineral Recycling Act of 2020”.

SEC. 2. DEFINITIONS.

In this Act:

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

(A) rechargeable; and
(B) electrochemical, including lithium ion and other chemistries.

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

SEC. 3. GRANTS.

(a) Battery Recycling Research, Development, and Demonstration Grants.—

(1) IN GENERAL.—The Secretary shall award multiyear grants to eligible entities for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of batteries, including by addressing—

(A) recycling processes;

(B) the development of methods to promote the design and production of batteries that take into full account and facilitate the dismantling, reuse, recovery, and recycling of battery components and materials;

(C) strategies to increase consumer acceptance of, and participation in, the recycling of batteries; and

(D) the integration of increased quantities of recycled critical minerals in batteries and
other products to develop markets for recycled battery materials and critical minerals.

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

(A) an institution of higher education;

(B) a National Laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a nonprofit organization;

(F) an industrial entity;

(G) a manufacturing entity;

(H) a private battery-collection entity;

(I) a State or municipal government entity;

(J) a battery retailer; or

(K) a consortium of 2 or more entities described in subparagraphs (A) through (J).

(3) APPLICATIONS.—

(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an eligible entity described in paragraph (2) shall submit to the Secretary an application at such time, in such manner, and containing such information as the 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
points established or enhanced, an estimate of jobs
created, and the quantity of material collected as a
result of the grants awarded under paragraph (1).

(c) Retailers as Collection Points.—

(1) In general.—The Secretary shall award
grants, on a competitive basis, to retailers that sell
batteries to establish and implement a system for
the acceptance and collection of used batteries for
reuse, recycling, or proper disposal.

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

SEC. 4. LITHIUM-ION BATTERY RECYCLING PRIZE COM-
PETITION.

(a) In general.—The Secretary shall continue to
carry out the existing Lithium-Ion Battery Recycling
Prize competition of the Department of Energy estab-
lished under section 24 of the Stevenson-Wydler Tech-

(b) Additional funding for pilot projects.—
In addition to any other funds made available to the Sec-
retary to carry out the competition described in subsection
(a), there is authorized to be appropriated to the Secretary
to carry out Phase III of that competition $10,000,000
for fiscal year 2021, to remain available until expended, which the Secretary may use—

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

(2) to increase the amount awarded to the winners of Phase III of that competition; or

(3) to carry out any other activity that is consistent with the goals of Phase III of that competition, as determined by the Secretary.

SEC. 5. BEST PRACTICES FOR COLLECTION OF BATTERIES.

(a) In General.—The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall develop best practices for the collection of batteries that may be cost-effectively implemented by States and units of local government.

(b) Coordination.—The Administrator shall develop best practices under subsection (a) in coordination with State and local leaders and entities in relevant private sectors.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the best practices developed under this section.
SEC. 6. VOLUNTARY LABELING PROGRAM.

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

(1) voluntary labeling of batteries; or

(2) other forms of communication about the reuse and recycling of critical materials from batteries.

(b) DIVISION OF RESPONSIBILITIES.—Responsibilities under the program established by subsection (a) shall be divided between the Secretary and the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) in accordance with the terms of applicable agreements between the Secretary and the Administrator.

SEC. 7. TASK FORCE ON PRODUCER REQUIREMENTS.

(a) IN GENERAL.—The Secretary shall convene a task force to develop an extended battery producer responsibility framework that—

(1) addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models, and transportation of collected materials;
(2) provides sufficient flexibility to allow battery producers to determine cost-effective strategies for compliance with the framework; and

(3) outlines regulatory pathways for effective recycling.

(b) Task Force Participants.—The task force convened under subsection (a) shall include—

(1) battery producers, retailers, recyclers, collectors, and refiners;

(2) States and municipalities; and

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

(e) Report.—Not later than 1 year after the date on which the Secretary convenes the task force under subsection (a), the Secretary shall submit to Congress a report that—

(1) describes the extended producer responsibility framework developed by the task force;

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

(3) suggests regulatory pathways for effective recycling.
SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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