

117TH CONGRESS
1ST SESSION

H. R. 4864

To direct the Secretary of Energy to establish grant programs focused on battery material processing, manufacturing, and recycling programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2021

Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Mr. MCKINLEY, Mr. VEASEY, Mr. RYAN, and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Energy to establish grant programs focused on battery material processing, manufacturing, and recycling programs, 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 Material Proc-
5 essing and Component Manufacturing Act of 2021”.

1 **SEC. 2. BATTERY MATERIAL PROCESSING GRANTS; BAT-**
2 **TERY MANUFACTURING AND RECYCLING**
3 **GRANTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADVANCED BATTERY.—The term “advanced
6 battery” means a battery that consists of a battery
7 cell that can be integrated into a module, pack, or
8 system to be used in energy storage applications, in-
9 cluding electric vehicles and the electric grid.

10 (2) ADVANCED BATTERY COMPONENT.—

11 (A) IN GENERAL.—The term “advanced
12 battery component” means a component of an
13 advanced battery.

14 (B) INCLUSIONS.—The term “advanced
15 battery component” includes materials, en-
16 hancements, enclosures, anodes, cathodes, elec-
17 trolytes, cells, and other associated technologies
18 that comprise an advanced battery.

19 (3) BATTERY MATERIAL.—The term “battery
20 material” means the raw and processed form of a
21 mineral, metal, chemical, or other material used in
22 an advanced battery component.

23 (4) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means an entity described in any of paragraphs
25 (1) through (5) of section 989(b) of the Energy Pol-
26 icy Act of 2005 (42 U.S.C. 16353(b)).

1 (5) MANUFACTURING.—The term “manufac-
2 turing”, with respect to an advanced battery and an
3 advanced battery component, means the industrial
4 and chemical steps taken to produce that advanced
5 battery or advanced battery component, respectively.

6 (6) PROCESSING.—The term “processing”, with
7 respect to battery material, means the refining of
8 materials, including the treating, baking, and coat-
9 ing processes used to convert raw products into con-
10 stituent materials employed directly in advanced bat-
11 tery manufacturing.

12 (7) RECYCLING.—The term “recycling” means
13 the recovery of materials from advanced batteries to
14 be reused in similar applications, including the ex-
15 tracting, processing, and recoating of battery mate-
16 rials and advanced battery components.

17 (b) BATTERY MATERIAL PROCESSING GRANTS.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Sec-
20 retary shall establish within the Office of Fossil En-
21 ergy a program, to be known as the “Battery Mate-
22 rial Processing Grant Program” (referred to in this
23 subsection as the “program”), under which the Sec-
24 retary shall award grants in accordance with this
25 subsection.

1 (2) PURPOSES.—The purposes of the program
2 are—

3 (A) to ensure that the United States has
4 a viable battery materials processing industry to
5 supply the North American battery supply
6 chain;

7 (B) to expand the capabilities of the
8 United States in advanced battery manufac-
9 turing;

10 (C) to enhance national security by reduc-
11 ing the reliance of the United States on foreign
12 competitors for critical materials and tech-
13 nologies; and

14 (D) to enhance the domestic processing ca-
15 pacity of minerals necessary for battery mate-
16 rials and advanced batteries.

17 (3) GRANTS.—

18 (A) IN GENERAL.—Under the program,
19 the Secretary shall award grants to eligible en-
20 tities—

21 (i) to carry out 1 or more demonstra-
22 tion projects in the United States for the
23 processing of battery materials;

1 (ii) to construct 1 or more new com-
2 mercial-scale battery material processing
3 facilities in the United States; and

4 (iii) to retool, retrofit, or expand 1 or
5 more existing battery material processing
6 facilities located in the United States and
7 determined qualified by the Secretary.

8 (B) AMOUNT LIMITATION.—The amount of
9 a grant awarded under the program shall be
10 not less than—

11 (i) \$50,000,000 for an eligible entity
12 carrying out 1 or more projects described
13 in subparagraph (A)(i);

14 (ii) \$100,000,000 for an eligible entity
15 carrying out 1 or more projects described
16 in subparagraph (A)(ii); and

17 (iii) \$50,000,000 for an eligible entity
18 carrying out 1 or more projects described
19 in subparagraph (A)(iii).

20 (C) PRIORITY; CONSIDERATION.—In
21 awarding grants to eligible entities under the
22 program, the Secretary shall—

23 (i) give priority to an eligible entity
24 that—

1 (I) is located and operates in the
2 United States;

3 (II) is owned by a United States
4 entity;

5 (III) deploys North American-
6 owned intellectual property and con-
7 tent;

8 (IV) represents consortia or in-
9 dustry partnerships; and

10 (V) will not use battery material
11 supplied by or originating from a for-
12 eign entity of concern; and

13 (ii) take into consideration whether a
14 project—

15 (I) provides workforce opportuni-
16 ties in low- and moderate-income com-
17 munities;

18 (II) encourages partnership with
19 universities and laboratories to spur
20 innovation and drive down costs;

21 (III) partners with Indian Tribes;
22 and

23 (IV) takes into account—

24 (aa) greenhouse gas emis-
25 sions reductions and energy effi-

cient battery material processing
opportunities throughout the
manufacturing process; and

(bb) supply chain logistics.

(4) WAGE RATE REQUIREMENTS.—

(A) DAVIS-BACON.—Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on a project funded by a grant awarded under this subsection shall be paid wages at rates not less than those prevailing on similar projects in the locality as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”).

(B) AUTHORITY.—With respect to the labor standards specified in subparagraph (A), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(5) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out the program \$3,500,000,000 for

1 the period of fiscal years 2022 through 2026, to re-
2 main available until expended.

3 (c) BATTERY MANUFACTURING AND RECYCLING
4 GRANTS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary shall establish within the Office of Energy Ef-
8 ficiency and Renewable Energy a battery manufac-
9 turing and recycling grant program (referred to in
10 this subsection as the “program”).

11 (2) PURPOSE.—The purpose of the program is
12 to ensure that the United States has a viable domes-
13 tic manufacturing and recycling capability to sup-
14 port and sustain a North American battery supply
15 chain.

16 (3) GRANTS.—

17 (A) IN GENERAL.—Under the program,
18 the Secretary shall award grants to eligible en-
19 tities—

20 (i) to carry out 1 or more demonstra-
21 tion projects for advanced battery compo-
22 nent manufacturing, advanced battery
23 manufacturing, and recycling;

24 (ii) to construct 1 or more new com-
25 mercial-scale advanced battery component

1 manufacturing, advanced battery manufac-
2 turing, or recycling facilities in the United
3 States; and

4 (iii) to retool, retrofit, or expand 1 or
5 more existing facilities located in the
6 United States and determined qualified by
7 the Secretary for advanced battery compo-
8 nent manufacturing, advanced battery
9 manufacturing, and recycling.

10 (B) AMOUNT LIMITATION.—The amount of
11 a grant awarded under the program shall be
12 not less than—

13 (i) \$50,000,000 for an eligible entity
14 carrying out 1 or more projects described
15 in subparagraph (A)(i);

16 (ii) \$100,000,000 for an eligible entity
17 carrying out 1 or more projects described
18 in subparagraph (A)(ii); and

19 (iii) \$50,000,000 for an eligible entity
20 carrying out 1 or more projects described
21 in subparagraph (A)(iii).

22 (C) PRIORITY; CONSIDERATION.—In
23 awarding grants to eligible entities under the
24 program, the Secretary shall—

1 (i) give priority to an eligible entity
2 that—

3 (I) is located and operates in the
4 United States;

5 (II) is owned by a United States
6 entity;

7 (III) deploys North American-
8 owned intellectual property and con-
9 tent;

10 (IV) represents consortia or in-
11 dustry partnerships; and

12 (V)(aa) if the eligible entity will
13 use the grant for advanced battery
14 component manufacturing, will not
15 use battery material supplied by or
16 originating from a foreign entity of
17 concern; or

18 (bb) if the eligible entity will use
19 the grant for battery recycling, will
20 not export recovered critical materials
21 to a foreign entity of concern; and

22 (ii) take into consideration whether a
23 project—

1 (I) provides workforce opportuni-
2 ties in low- and moderate-income or
3 rural communities;

4 (II) provides workforce opportu-
5 nities in communities that have lost
6 jobs due to the displacements of fossil
7 energy jobs;

8 (III) encourages partnership with
9 universities and laboratories to spur
10 innovation and drive down costs;

11 (IV) partners with Indian Tribes;

12 (V) takes into account—

13 (aa) greenhouse gas emis-
14 sions reductions and energy effi-
15 cient battery material processing
16 opportunities throughout the
17 manufacturing process; and

18 (bb) supply chain logistics;

19 and

20 (VI) utilizes feedstock produced
21 in the United States.

22 (4) WAGE RATE REQUIREMENTS.—

23 (A) DAVIS-BACON.—Any laborer or me-
24 chanic employed by any contractor or subcon-
25 tractor in the performance of work on a project

1 funded by a grant awarded under this sub-
2 section shall be paid wages at rates not less
3 than those prevailing on similar projects in the
4 locality as determined by the Secretary of
5 Labor under subchapter IV of chapter 31 of
6 title 40, United States Code (commonly re-
7 ferred to as the “Davis-Bacon Act”).

8 (B) AUTHORITY.—With respect to the
9 labor standards specified in subparagraph (A),
10 the Secretary of Labor shall have the authority
11 and functions set forth in Reorganization Plan
12 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
13 App.) and section 3145 of title 40, United
14 States Code.

15 (5) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to the Sec-
17 retary to carry out the program \$6,500,000,000 for
18 the period of fiscal years 2022 through 2026, to re-
19 main available until expended.

20 (d) REPORTING REQUIREMENTS.—Not later than 1
21 year after the date of enactment of this Act, and annually
22 thereafter, the Secretary shall submit to Congress a report
23 on the grant programs established under subsections (b)
24 and (c), including, with respect to each grant program,
25 a description of—

- 1 (1) the number of grant applications received;
- 2 (2) the number of grants awarded and the
- 3 amount of each award;
- 4 (3) the purpose and status of each project car-
- 5 ried out using a grant; and
- 6 (4) any other information the Secretary deter-
- 7 mines necessary.

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