

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the provisions relating to the battery material processing grant program and the battery manufacturing and recycling grant program.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. _____

To invest in the energy and outdoor infrastructure of the United States to deploy new and innovative technologies, update existing infrastructure to be reliable and resilient, and secure energy infrastructure against physical and cyber threats, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. CORTEZ MASTO

Viz:

1 In section 2007, strike subsections (a) through (d)

2 and insert the following:

3 (a) DEFINITIONS.—In this section:

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

9 (2) ADVANCED BATTERY COMPONENT.—

1 (A) IN GENERAL.—The term “advanced
2 battery component” means a component of an
3 advanced battery.

4 (B) INCLUSIONS.—The term “advanced
5 battery component” includes materials, en-
6 hancements, enclosures, anodes, cathodes, elec-
7 trolytes, cells, and other associated technologies
8 that comprise an advanced battery.

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

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

17 (5) FOREIGN ENTITY OF CONCERN.—The term
18 “foreign entity of concern” means a foreign entity
19 that is—

20 (A) designated as a foreign terrorist orga-
21 nization by the Secretary of State under section
22 219(a) of the Immigration and Nationality Act
23 (8 U.S.C. 1189(a));

24 (B) included on the list of specially des-
25 ignated nationals and blocked persons main-

1 tained by the Office of Foreign Assets Control
2 of the Department of the Treasury (commonly
3 known as the “SDN list”);

4 (C) owned by, controlled by, or subject to
5 the jurisdiction or direction of a government of
6 a foreign country that is a covered nation (as
7 defined in section 2533c(d) of title 10, United
8 States Code);

9 (D) alleged by the Attorney General to
10 have been involved in activities for which a con-
11 viction was obtained under—

12 (i) chapter 37 of title 18, United
13 States Code (commonly known as the “Es-
14 pionage Act”);

15 (ii) section 951 or 1030 of title 18,
16 United States Code;

17 (iii) chapter 90 of title 18, United
18 States Code (commonly known as the
19 “Economic Espionage Act of 1996”);

20 (iv) the Arms Export Control Act (22
21 U.S.C. 2751 et seq.);

22 (v) section 224, 225, 226, 227, or 236
23 of the Atomic Energy Act of 1954 (42
24 U.S.C. 2274, 2275, 2276, 2277, and
25 2284);

1 (vi) the Export Control Reform Act of
2 2018 (50 U.S.C. 4801 et seq.); or

3 (vii) the International Emergency
4 Economic Powers Act (50 U.S.C. 1701 et
5 seq.); or

6 (E) determined by the Secretary, in con-
7 sultation with the Secretary of Defense and the
8 Director of National Intelligence, to be engaged
9 in unauthorized conduct that is detrimental to
10 the national security or foreign policy of the
11 United States.

12 (6) MANUFACTURING.—The term “manufac-
13 turing”, with respect to an advanced battery and an
14 advanced battery component, means the industrial
15 and chemical steps taken to produce that advanced
16 battery or advanced battery component, respectively.

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

23 (8) RECYCLING.—The term “recycling” means
24 the recovery of materials from advanced batteries to
25 be reused in similar applications, including the ex-

1 tracting, processing, and recoating of battery mate-
2 rials and advanced battery components.

3 (b) BATTERY MATERIAL PROCESSING GRANTS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Sec-
6 retary shall establish within the Office of Fossil En-
7 ergy a program, to be known as the “Battery Mate-
8 rial Processing Grant Program” (referred to in this
9 subsection as the “program”), under which the Sec-
10 retary shall award grants in accordance with this
11 subsection.

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

14 (A) to ensure that the United States has
15 a viable battery materials processing industry to
16 supply the North American battery supply
17 chain;

18 (B) to expand the capabilities of the
19 United States in advanced battery manufac-
20 turing;

21 (C) to enhance national security by reduc-
22 ing the reliance of the United States on foreign
23 competitors for critical materials and tech-
24 nologies; and

1 (D) to enhance the domestic processing ca-
2 pacity of minerals necessary for battery mate-
3 rials and advanced batteries.

4 (3) GRANTS.—

5 (A) IN GENERAL.—Under the program,
6 the Secretary shall award grants to eligible en-
7 tities—

8 (i) to carry out 1 or more demonstra-
9 tion projects in the United States for the
10 processing of battery materials;

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

14 (iii) to retool, retrofit, or expand 1 or
15 more existing battery material processing
16 facilities located in the United States and
17 determined qualified by the Secretary.

18 (B) AMOUNT LIMITATION.—The amount of
19 a grant awarded under the program shall be
20 not less than—

21 (i) \$50,000,000 for an eligible entity
22 carrying out 1 or more projects described
23 in subparagraph (A)(i);

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

4 (iii) \$50,000,000 for an eligible entity
5 carrying out 1 or more projects described
6 in subparagraph (A)(iii).

7 (C) PRIORITY; CONSIDERATION.—In
8 awarding grants to eligible entities under the
9 program, the Secretary shall—

10 (i) give priority to an eligible entity
11 that—

12 (I) is located and operates in the
13 United States;

14 (II) is owned by a United States
15 entity;

16 (III) deploys North American-
17 owned intellectual property and con-
18 tent;

19 (IV) represents consortia or in-
20 dustry partnerships; and

21 (V) will not use battery material
22 supplied by or originating from a for-
23 eign entity of concern; and

24 (ii) take into consideration whether a
25 project—

1 (I) provides workforce opportuni-
2 ties in low- and moderate-income com-
3 munities;

4 (II) encourages partnership with
5 universities and laboratories to spur
6 innovation and drive down costs;

7 (III) partners with Indian Tribes;
8 and

9 (IV) takes into account—

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

15 (bb) supply chain logistics.

16 (4) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated to the Sec-
18 retary to carry out the program \$3,000,000,000 for
19 the period of fiscal years 2022 through 2026, to re-
20 main available until expended.

21 (c) BATTERY MANUFACTURING AND RECYCLING
22 GRANTS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary shall establish within the Office of Energy Ef-

1 efficiency and Renewable Energy a battery manufac-
2 turing and recycling grant program (referred to in
3 this subsection as the “program”).

4 (2) PURPOSE.—The purpose of the program is
5 to ensure that the United States has a viable domes-
6 tic manufacturing and recycling capability to sup-
7 port and sustain a North American battery supply
8 chain.

9 (3) GRANTS.—

10 (A) IN GENERAL.—Under the program,
11 the Secretary shall award grants to eligible en-
12 tities—

13 (i) to carry out 1 or more demonstra-
14 tion projects for advanced battery compo-
15 nent manufacturing, advanced battery
16 manufacturing, and recycling;

17 (ii) to construct 1 or more new com-
18 mercial-scale advanced battery component
19 manufacturing, advanced battery manufac-
20 turing, or recycling facilities in the United
21 States; and

22 (iii) to retool, retrofit, or expand 1 or
23 more existing facilities located in the
24 United States and determined qualified by
25 the Secretary for advanced battery compo-

1 nent manufacturing, advanced battery
2 manufacturing, and recycling.

3 (B) AMOUNT LIMITATION.—The amount of
4 a grant awarded under the program shall be
5 not less than—

6 (i) \$50,000,000 for an eligible entity
7 carrying out 1 or more projects described
8 in subparagraph (A)(i);

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

12 (iii) \$50,000,000 for an eligible entity
13 carrying out 1 or more projects described
14 in subparagraph (A)(iii).

15 (C) PRIORITY; CONSIDERATION.—In
16 awarding grants to eligible entities under the
17 program, the Secretary shall—

18 (i) give priority to an eligible entity
19 that—

20 (I) is located and operates in the
21 United States;

22 (II) is owned by a United States
23 entity;

1 (III) deploys North American-
2 owned intellectual property and con-
3 tent;

4 (IV) represents consortia or in-
5 dustry partnerships; and

6 (V)(aa) if the eligible entity will
7 use the grant for advanced battery
8 component manufacturing, will not
9 use battery material supplied by or
10 originating from a foreign entity of
11 concern; or

12 (bb) if the eligible entity will use
13 the grant for battery recycling, will
14 not export recovered critical materials
15 to a foreign entity of concern; and

16 (ii) take into consideration whether a
17 project—

18 (I) provides workforce opportuni-
19 ties in low- and moderate-income or
20 rural communities;

21 (II) provides workforce opportu-
22 nities in communities that have lost
23 jobs due to the displacements of fossil
24 energy jobs;

12

1 (III) encourages partnership with
2 universities and laboratories to spur
3 innovation and drive down costs;

4 (IV) partners with Indian Tribes;

5 (V) takes into account—

6 (aa) greenhouse gas emis-
7 sions reductions and energy effi-
8 cient battery material processing
9 opportunities throughout the
10 manufacturing process; and

11 (bb) supply chain logistics;

12 and

13 (VI) utilizes feedstock produced
14 in the United States.

15 (4) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to the Sec-
17 retary to carry out the program \$3,000,000,000 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.