

118TH CONGRESS
2D SESSION

H. R. 8187

To direct the Secretary of Energy to establish and carry out a program to support the development, maintenance, implementation, and adoption of digital identification systems for advanced energy technologies for the purpose of increasing critical material supply chain transparency.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2024

Mr. TONKO (for himself and Mr. GRAVES of Louisiana) 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 and carry out a program to support the development, maintenance, implementation, and adoption of digital identification systems for advanced energy technologies for the purpose of increasing critical material supply chain transparency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Critical Material
3 Transparency and Reporting in Advanced Clean Energy
4 Act of 2024”.

5 **SEC. 2. ADVANCED ENERGY TECHNOLOGY SUPPLY CHAIN**
6 **TRANSPARENCY PROGRAM.**

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT.—Not later than 1 year
9 after the date of enactment of this Act, the Sec-
10 retary shall establish and carry out a program to
11 support the development, maintenance, implementa-
12 tion, and adoption of digital identification systems
13 for advanced energy technologies to improve the
14 transparency of the supply chains of advanced en-
15 ergy technologies by tracking and tracing the flow of
16 critical materials used in such technologies.

17 (2) FINANCIAL AND TECHNICAL ASSISTANCE.—

18 The Secretary may provide financial and technical
19 assistance to entities to support the development,
20 maintenance, implementation, and adoption of dig-
21 ital identification systems under paragraph (1).

22 (3) INTERAGENCY COORDINATION.—The Sec-
23 retary shall consult with the Administrator of the
24 Environmental Protection Agency, the Secretary of
25 the Treasury, the Secretary of Commerce, the Sec-
26 retary of Defense, the Secretary of the Interior, the

1 Secretary of Labor, the Secretary of State, the Di-
2 rector of the United States Geological Survey, the
3 Chair of the Federal Trade Commission, and other
4 Federal agencies the Secretary determines are rel-
5 evant to align the program established under para-
6 graph (1) with—

7 (A) any existing regulations, rules, guide-
8 lines, and funding opportunities related to ad-
9 vanced energy technologies or critical materials;
10 and

11 (B) other efforts that support recycling,
12 reuse, refurbishment, repurposing, and the sus-
13 tainable sourcing, manufacturing, and use of
14 advanced energy technologies.

15 (4) EXTERNAL ENGAGEMENT.—In establishing
16 and carrying out the program under paragraph (1),
17 the Secretary shall engage with external stake-
18 holders, including potentially impacted communities,
19 digital identification system developers and users,
20 mining organizations, national security organiza-
21 tions, consumer privacy experts, advanced energy
22 technology manufacturers, and nongovernmental or-
23 ganizations.

24 (b) DIGITAL BATTERY IDENTIFICATION SYSTEMS.—

1 (1) IN GENERAL.—In carrying out the program
2 established under subsection (a), the Secretary shall
3 support the development, maintenance, implementa-
4 tion, and adoption of digital battery identification
5 systems, which shall contain the data and other in-
6 formation required under paragraph (4).

7 (2) PURPOSES.—The purposes of a digital bat-
8 tery identification system developed, maintained, im-
9 plemented, or adopted pursuant to this subsection
10 include—

11 (A) enabling demonstration and
12 verification of compliance with the applicable
13 mineral percentages under section 30D(e) of
14 the Internal Revenue Code (26 U.S.C. 30D(e));

15 (B) enabling and improving effective and
16 responsible battery collection and end-of-life
17 management, including the reuse and recycling
18 of critical materials;

19 (C) reducing safety concerns relating to
20 the improper disposal of batteries;

21 (D) improving and harmonizing global sup-
22 ply chain data collection and verification proc-
23 esses; and

24 (E) enabling the reduction of global green-
25 house gas emissions.

1 (3) PROGRAM REQUIREMENTS.—In carrying out
2 paragraph (1), the Secretary shall—

3 (A) establish a framework for responsible
4 data governance, including developing, identi-
5 fying, documenting, and establishing best prac-
6 tices, methods, and standards for data collec-
7 tion, access, ownership, verification, sharing,
8 collation, reporting, and security, including the
9 protection of confidential business information;

10 (B) engage with stakeholders, including
11 potentially impacted communities, digital identi-
12 fication system developers and users, mining or-
13 ganizations, national security organizations,
14 consumer privacy experts, advanced energy
15 technology manufacturers, in collaborative plat-
16 forms, including workshops and forums;

17 (C) consider best practices for use and ad-
18 ministration of digital battery identification sys-
19 tems, including display format; and

20 (D) encourage digital battery identification
21 systems to be comparable and interoperable
22 through harmonized data collection, verification
23 methods, and standards.

24 (4) REQUIREMENTS FOR DIGITAL BATTERY
25 IDENTIFICATION SYSTEMS.—A digital battery identi-

1 fication system developed, maintained, implemented,
2 or adopted pursuant to this subsection shall—

3 (A) identify and provide detailed informa-
4 tion on the battery components and battery ma-
5 terials, including cathode and anode chemistry;

6 (B) identify the country of origin for each
7 battery component and battery material identi-
8 fied under subparagraph (A);

9 (C) identify the geographical location of
10 the battery’s final manufacturing facility and
11 include the full material journey of each battery
12 component and battery material identified
13 under subparagraph (A), which may include lo-
14 cations of extraction, production, processing,
15 manufacturing, recycling, and refurbishment;

16 (D) identify the recycled content of battery
17 components identified under subparagraph (A);

18 (E) as applicable, provide the information
19 necessary to demonstrate and verify compliance
20 with the applicable mineral percentages under
21 section 30D(e) of the Internal Revenue Code
22 (26 U.S.C. 30D(e));

23 (F) provide information on how to assem-
24 ble, disassemble, remove, recycle, repair, repur-
25 pose, reuse, and dispose of the battery;

1 (G) provide appropriate diagnostic, mainte-
2 nance, safety, and performance data with re-
3 spect to the battery, including data determined
4 to be useful for facilitating second use applica-
5 tions, such as data on the minimum voltage,
6 rated capacity, date of manufacture, and bat-
7 tery manufacturer;

8 (H) provide information on, as determined
9 in consultation with the Secretary of State and
10 the Secretary of Labor—

11 (i) environmental concerns and im-
12 pacts, which may include the carbon foot-
13 print, related to the full material journey
14 of each battery component and battery ma-
15 terial identified under subparagraph (A);
16 and

17 (ii) any labor and human rights issues
18 and violations related to the processing,
19 manufacturing, and sourcing of each bat-
20 tery component and battery material iden-
21 tified under subparagraph (A);

22 (I) not collect or share data that risks con-
23 sumer privacy; and

1 (J) provide any other information the Sec-
2 retary determines necessary to meet the pur-
3 poses described in paragraph (2).

4 (5) OTHER STANDARDS AND LAWS.—The devel-
5 opment, maintenance, implementation, and adoption
6 of digital battery identification systems pursuant to
7 this subsection shall be compatible with—

8 (A) the labeling guidelines and other forms
9 of communication materials developed pursuant
10 to section 70401(c) of the Infrastructure In-
11 vestment and Jobs Act (42 U.S.C. 6966c(c));

12 (B) international standards and programs
13 relevant to battery labeling and digital identi-
14 fication systems;

15 (C) the Mercury-Containing and Recharge-
16 able Battery Management Act (42 U.S.C.
17 14301 et seq.); and

18 (D) other relevant standards and laws as
19 determined appropriate by the Secretary.

20 (6) FINANCIAL AND TECHNICAL ASSISTANCE.—

21 (A) IN GENERAL.—The Secretary may
22 provide financial and technical assistance to en-
23 tities under this subsection to support the de-
24 velopment, maintenance, implementation, and

1 adoption of digital battery identification sys-
2 tems.

3 (B) INCLUSIONS.—Financial and technical
4 assistance provided under this paragraph may
5 include—

6 (i) grants and other types of financial
7 assistance; and

8 (ii) conducting outreach and education
9 on digital battery identification systems.

10 (c) REPORT TO CONGRESS.—Not later than 4 years
11 after the date of enactment of this Act, the Secretary shall
12 submit to Congress a report describing the activities of
13 the program established under subsection (a).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary to carry
16 out this Act \$20,000,000 for each of fiscal years 2024
17 through 2028.

18 (e) DEFINITIONS.—In this section:

19 (1) ADVANCED ENERGY TECHNOLOGY.—The
20 term “advanced energy technology”—

21 (A) means—

22 (i) a technology used to produce en-
23 ergy from the sun, water, wind, a geo-
24 thermal or hydrothermal resource, an en-

- 1 hanced geothermal system, or another re-
2 newable resource;
- 3 (ii) a microturbine or energy storage
4 system, including a fuel cell and battery;
- 5 (iii) electric grid modernization equip-
6 ment;
- 7 (iv) technology used to capture, re-
8 move, use, or sequester carbon dioxide;
- 9 (v) equipment that refines,
10 electrolyzes, or blends any fuel, chemical,
11 or product that is—
- 12 (I) renewable; or
- 13 (II) low-carbon and low-emission;
- 14 (vi) an energy conservation tech-
15 nology, including such a technology used
16 for residential, commercial, or industrial
17 applications;
- 18 (vii) a light-, medium-, or heavy-duty
19 electric or fuel cell vehicle, an electric or
20 fuel cell locomotive, an electric or fuel cell
21 maritime vessel, or an electric or fuel cell
22 plane, including charging or refueling in-
23 frastructure associated with such a vehicle,
24 locomotive, maritime vessel, or plane; or

1 (viii) a hybrid vehicle with a gross ve-
2 hicle weight rating of not less than 14,000
3 pounds, including charging or refueling in-
4 frastructure associated with such a hybrid
5 vehicle; and

6 (B) includes any other technology that is
7 designed to reduce greenhouse gas emissions, as
8 determined by the Secretary.

9 (2) BATTERY.—The term “battery” means a
10 device that—

11 (A) consists of 1 or more electrochemical
12 cells that are electrically connected;

13 (B) stores and delivers electric energy; and

14 (C) has a capacity of at least 2 kilowatt-
15 hours.

16 (3) BATTERY COMPONENT.—The term “battery
17 component”—

18 (A) means a component of a battery; and

19 (B) includes materials, enhancements, en-
20 closures, anodes, cathodes, electrolytes, cells,
21 and other associated technologies that comprise
22 a battery.

23 (4) BATTERY MATERIAL.—The term “battery
24 material” means the raw and processed form of a

1 mineral, metal, chemical, or other material used in
2 a battery component.

3 (5) CRITICAL MATERIAL.—The term “critical
4 material” has the meanings given such term in sec-
5 tion 7002(a) of the Energy Act of 2020 (30 U.S.C.
6 1606(a)).

7 (6) GEOTHERMAL; HYDROTHERMAL; ENHANCED
8 GEOTHERMAL SYSTEM.—The terms “geothermal”,
9 “hydrothermal”, and “enhanced geothermal system”
10 have the meanings given such terms in section 612
11 of the Energy Independence and Security Act of
12 2007 (42 U.S.C. 17191).

13 (7) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

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