

116TH CONGRESS
2D SESSION

S. 4109

To require the Administrator of General Services to establish an agency electronic recycling program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2020

Mr. BURR (for himself, Ms. MURKOWSKI, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Administrator of General Services to establish an agency electronic recycling program, 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 “CRITICAL Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) AGENCY RECYCLING PROGRAM.—The term
8 “agency recycling program” means the recycling
9 program established in section 3(a).

1 (2) BATTERY.—The term “battery”—

2 (A) means a battery or a rechargeable bat-
3 tery; and

4 (B) does not include a battery contained in
5 a medical device.

6 (3) CERTIFIED ENTITY.—The term “certified
7 entity” means a refiner or recycler that has a certifi-
8 cation under a standard described in subparagraph
9 (A) or (B) of paragraph (4).

10 (4) CERTIFIED RECYCLING STREAM.—The term
11 “certified recycling stream” means a stream of recy-
12 cling that is certified under—

13 (A) the R2 Standard; or

14 (B) the e-Stewards Standard for Respon-
15 sible Recycling and Reuse of Electronic Equip-
16 ment.

17 (5) CERTIFIED RECYCLING STREAM PRO-
18 GRAM.—The term “certified recycling stream pro-
19 gram” means the program established in section
20 4(a).

21 (6) COVERED ELECTRONIC.—The term “cov-
22 ered electronic” means—

23 (A) a consumer electronic device that—

24 (i) uses a battery or a related tech-
25 nology; or

1 (ii) contains a critical mineral; or

2 (B) any other electronic device that the
3 Administrator, in coordination with the Admin-
4 istrator of the Environmental Protection Agen-
5 cy, determines to be acceptable.

6 (7) CRITICAL MINERAL.—The term “critical
7 mineral” has the meaning given the term in section
8 2 of Executive Order 13817 (30 U.S.C. 1601 note;
9 relating to secure and reliable supplies of critical
10 minerals).

11 (8) EXECUTIVE AGENCY.—The term “Executive
12 agency” has the meaning given the term in section
13 105 of title 5, United States Code.

14 (9) MEDICAL DEVICE.—The term “medical de-
15 vice” has the meaning given the term “device” in
16 section 201(h) of the Federal Food, Drug, and Cos-
17 metic Act (21 U.S.C. 321(h)).

18 **SEC. 3. AGENCY RECYCLING PROGRAM.**

19 (a) ESTABLISHMENT.—Not later than 1 year after
20 the date of enactment of this Act, the Administrator of
21 General Services shall establish an electronic recycling
22 program that services each Executive agency.

23 (b) OBJECTS RECYCLED.—The agency recycling pro-
24 gram shall collect covered electronics from the Executive
25 agency that are—

- 1 (1) owned by the Executive agency;
- 2 (2) determined by the Executive agency to be—
 - 3 (A) excess;
 - 4 (B) not suitable for sale; and
 - 5 (C) not appropriate for donation; and
- 6 (3) selected by the Executive agency for dis-
7 posal.

8 (c) DATA SECURITY.—In administering the agency
9 recycling program, the Administrator of General Services
10 shall develop procedures to protect the data stored on the
11 covered electronics of an Executive agency collected under
12 subsection (b).

13 **SEC. 4. CERTIFIED RECYCLING STREAM PROGRAM.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—The Administrator of the
16 Environmental Protection Agency, in consultation
17 with the Administrator of General Services and the
18 Secretary of Energy, shall establish a program to
19 ensure that all covered electronics collected under
20 the agency recycling program are entered into a cer-
21 tified recycling stream for dismantling and refining
22 by certified entities.

23 (2) PARTNERSHIPS.—In carrying out the cer-
24 tified recycling stream program, the Administrator
25 of the Environmental Protection Agency shall part-

1 ner with certified entities to improve recycling
2 streams and refining processes for covered elec-
3 tronics.

4 (b) PRIORITY PRODUCTS.—In carrying out the cer-
5 tified recycling stream program, the Administrator of the
6 Environmental Protection Agency shall give priority to en-
7 suring that covered electronics containing critical minerals
8 are entered into certified recycling streams.

9 (c) FEDERAL RECOUPMENT OF COSTS.—In admin-
10 istering the certified recycling stream program, the Ad-
11 ministrator of the Environmental Protection Agency and
12 the Administrator of General Services may recoup the
13 costs of collecting covered electronics—

14 (1) by charging fees to certified entities that
15 seek to access the electronics and base materials
16 that are refined from covered electronics for the pur-
17 pose of reentering the extracted critical minerals
18 into the supply chain; and

19 (2) by selling the collected covered electronics to
20 certified entities to recycle and refine so that the re-
21 cycled materials may be reused.

22 (d) RETENTION OF REFINED CRITICAL MATERIALS
23 IN THE UNITED STATES.—In carrying out the certified
24 recycling stream program, the Administrator of the Envi-
25 ronmental Protection Agency shall ensure, to the extent

1 practicable, that refined critical minerals developed
2 through the certified recycling stream program are re-
3 tained in the United States for use by industry.

4 **SEC. 5. STUDY AND REPORT ON CRITICAL MINERAL EX-**
5 **TRACTION.**

6 Not later than 2 years after the date of enactment
7 of this Act, the Secretary of the Interior shall conduct,
8 and submit to Congress a report describing the results of,
9 a study to evaluate—

10 (1) as of the date of the study, the quantity of
11 critical minerals that have been extracted from cov-
12 ered electronics collected under the agency recycling
13 program and entered into a certified recycling
14 stream under the certified recycling stream program;

15 (2) the quantity of critical minerals that could
16 be extracted through a similar voluntary recycling
17 program established for the private sector; and

18 (3) the total quantity of recoverable critical
19 minerals from all certified recycling streams, as com-
20 pared to the total quantity of critical minerals nec-
21 essary for manufacturing, consumer products, and
22 national defense in the United States.

23 **SEC. 6. E-WASTE RECYCLING CHALLENGE PRIZE.**

24 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) E-WASTE RECYCLING SYSTEM.—The term
5 “E-waste recycling system” means a system to col-
6 lect covered electronic waste that can be sorted, dis-
7 mantled, and preprocessed for recycling.

8 (3) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means a partnership of—

10 (A) 1 or more States, Indian tribes (as de-
11 fined in section 4 of the Indian Self-Determina-
12 tion and Education Assistance Act (25 U.S.C.
13 5304)), or units of local government; and

14 (B) 1 or more businesses, institutions of
15 higher education, or nonprofit organizations.

16 (4) STATE.—The term “State” means—

17 (A) a State;

18 (B) the District of Columbia;

19 (C) the Commonwealth of Puerto Rico;

20 (D) Guam;

21 (E) American Samoa;

22 (F) the Commonwealth of the Northern
23 Mariana Islands; and

24 (G) the United States Virgin Islands.

1 (b) AUTHORIZATION.—The Administrator shall
2 award to eligible entities prizes for the development of E-
3 waste recycling systems, with a goal of increasing the col-
4 lection of recyclable covered electronics.

5 (c) ACTIVITIES.—Activities that are eligible for a
6 prize under subsection (b) include—

7 (1) the development of best practices for E-
8 waste recycling systems;

9 (2) consumer awareness campaigns for E-waste
10 recycling systems;

11 (3) outreach to public-private partnerships re-
12 lating to E-waste recycling systems;

13 (4) carrying out E-waste recycling systems; and

14 (5) such other activities as the Administrator
15 determines to be appropriate.

16 (d) APPLICATIONS.—An eligible entity that has car-
17 ried out activities described in subsection (c) and seeks
18 to receive a prize under subsection (b) shall submit to the
19 Administrator at application at such time, in such man-
20 ner, and containing such information as the Administrator
21 may require.

22 (e) CRITERIA.—In selecting recipients of prizes under
23 subsection (b), the Administrator may consider—

24 (1) the applicants with the highest volume of
25 covered electronic waste collected per capita in the

1 municipal region served by the applicable E-waste
2 recycling system;

3 (2) the applicants with the lowest cost of collec-
4 tion per pound of covered electronic waste collected;

5 (3) the applicants with the greatest number of
6 jobs created or economic development generated; and

7 (4) the applicants with the highest probability
8 that the applicable E-waste recycling system feeds
9 into recycling by a certified entity.

10 (f) PRIZE AMOUNT.—The amount of a prize under
11 subsection (b) shall be not more than \$100,000.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Administrator to
14 carry out this section \$5,000,000 for the period of fiscal
15 years 2021 through 2025.

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