

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9615
OFFERED BY MRS. MILLER-MEEKS OF IOWA

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Battery Recycling for
3 America’s Competitive Economy Act” or the “BRACE
4 Act”.

5 SEC. 2. END OF LIFE LITHIUM-ION BATTERY MANAGEMENT.

6 (a) DEFINITIONS.—In this Act:

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

10 (2) BATTERY.—The term “battery” has the
11 meaning given such term in section 273.9 of title 40,
12 Code of Federal Regulations (or any successor regu-
13 lations).

14 (3) DESTINATION FACILITY.—The term “des-
15 tination facility” has the meaning given such term
16 in section 273.9 of title 40, Code of Federal Regula-
17 tions (or any successor regulations).

1 (4) LARGE QUANTITY HANDLER OF UNIVERSAL
2 WASTE.—The term “large quantity handler of uni-
3 versal waste” has the meaning given such term in
4 section 273.9 of title 40, Code of Federal Regula-
5 tions (or any successor regulations).

6 (5) LITHIUM-ION BATTERY.—The term “lith-
7 ium-ion battery” means a battery that uses the
8 movement of lithium ions between two electrodes to
9 store and release energy.

10 (b) INTERIM REQUIREMENTS FOR LITHIUM-ION BAT-
11 TERIES.—Until the date on which the Administrator
12 issues the rule pursuant to subsection (c), in lieu of the
13 requirements described in section 273.60(a) of title 40,
14 Code of Federal Regulations (or any successor regula-
15 tions), a destination facility that stores lithium-ion bat-
16 teries prior to recycling such lithium-ion batteries shall
17 comply with—

18 (1) the requirements described in sections
19 273.33(a)(1), 273.35, 273.36, and 272.37 of title
20 40, Code of Federal Regulations (or any successor
21 regulations), which would apply if the destination fa-
22 cility were a large quantity handler of universal
23 waste; and

24 (2) the requirements described in section
25 273.60(b) of title 40, Code of Federal Regulations

1 (or any successor regulations), which would apply if
2 the destination facility did not store the lithium-ion
3 batteries prior to recycling such lithium-ion bat-
4 teries.

5 (c) UNIVERSAL WASTE RULEMAKING FOR LITHIUM-
6 ION BATTERIES.—

7 (1) IN GENERAL.—Not later than 18 months
8 after the date of enactment of this Act, the Adminis-
9 trator shall issue a rule regarding the management
10 of lithium-ion batteries as universal waste.

11 (2) CONTENTS.—In issuing the rule pursuant
12 to paragraph (1), the Administrator shall consider
13 including in such rule, in addition to any other issue
14 that arises as part of the notice and comment period
15 for such rule, the following:

16 (A) Universal waste requirements specially
17 tailored for lithium-ion batteries.

18 (B) Elements of the interim requirements
19 for lithium-ion batteries specified in subsection
20 (b), as appropriate.

21 (C) Any additional regulatory changes to
22 support the recycling of lithium-ion batteries
23 and recovery of critical minerals, while main-
24 taining protections for health and the environ-
25 ment.

1 (D) Additional safety requirements needed
2 to address gaps in existing protections.

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to limit any future
5 rulemaking of the Environmental Protection Agency
6 regarding lithium-ion batteries.

7 **SEC. 3. TECHNICAL UPDATES TO THE MERCURY-CON-**
8 **TAINING AND RECHARGEABLE BATTERY**
9 **MANAGEMENT ACT.**

10 Section 104(a) of the Mercury-Containing and Re-
11 chargeable Battery Management Act (42 U.S.C.
12 14323(a)) is amended by striking “the regulations pro-
13 mulgated by the Environmental Protection Agency at 60
14 Fed. Reg. 25492 (May 11, 1995), as effective on May 11,
15 1995” and inserting “part 273 of title 40, Code of Federal
16 Regulations (or any successor regulations)”.

