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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To establish a Critical Materials Processing Technology Testbed Capability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FOSTER introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a Critical Materials Processing Technology Testbed Capability, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Critical Materials Processing Technology Testbed Act''.

SEC. 2. CRITICAL MATERIALS PROCESSING TECHNOLOGY TESTBED.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with other appropriate Federal agencies, shall administer a competitive, merit reviewed process to establish a Critical Materials Processing Technology Testbed Capability (referred to in this section as the ''Testbed'') that allows for—

(A) research, development, and demonstration of novel critical materials processing technologies; and

(B) scalable performance testing to be conducted on feedstock materials.

(2) SELECTION.—In administering the process referred to in paragraph (1), the Secretary shall consider applications from National Laboratories, institutions of higher education, private companies, multi-institutional collaborations, and other entities the Secretary determines appropriate. The Secretary may implement the Testbed as a single site or more than one site as necessary to carry out the mission of the Testbed as described in subsections (a) and (b).

(b) FOCUS AREAS.—The Testbed shall include a focus on substantive and innovative improvements to critical materials processing technologies, including relating to the following:

(1) Reduced energy intensity.

(2) Reduced pollutants.

(3) Reduced water consumption.

(4) Lower environmental and societal impacts.

(5) Lower lifecycle costs.

(6) Improved recovery efficiencies.

(7) Process improvement beyond traditional thermal or pyro chemical techniques.

(8) Reduced volumes and toxicity of waste.

(9) Noise reduction.

(10) Worker safety.

(11) Processing techniques and technologies which have applicability to a wide range of material sources.

(c) DURATION.—

(1) IN GENERAL.—The Testbed shall receive support for a period of not more than five years, subject to the availability of appropriations.

(2) RENEWAL.—Upon the expiration of any period of support of the Testbed, the Secretary may renew support for the Testbed, on a merit-reviewed process, for a period of not more than five years.

(d) TECHNOLOGY TRANSFER.—The Secretary, in coordination with the Director of the Office of Technology Transitions of the Department, shall facilitate the trans-

lation and secure transfer to industry of research results produced at the Testbed.

(e) INTELLECTUAL PROPERTY.—The Secretary shall ensure the intellectual property and value proposition generated by research, development, and demonstration activities at the Testbed are retained within the United States.

(f) INTERAGENCY ENGAGEMENT.—In carrying out this section, the Secretary shall—

(1) consult with the Administrator of the Environmental Protection Agency to ensure the goals and objectives of the Testbed align with applicable laws and regulations and environmental justice priorities; and

(2) ensure appropriate cooperation with, and avoid unnecessary duplication of, the activities of the Testbed with the activities of—

(A) other research entities of the Department;

(B) the National Laboratories;

(C) other Federal agencies;

(D) institutions of higher education;

(E) United States industry;

(F) nongovernmental organizations; and

(G) other relevant individuals or entities.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary—

(A) $150,000,000 for fiscal year 2024 to establish the Testbed; and

(B) $25,000,000 for each of fiscal years 2025 through 2028 to carry out the activities of the Testbed.

(2) COST SHARE.—The Secretary may require that funds made available pursuant to the authorization under paragraph (1)(B) be cost-shared by entities other than a National Laboratory seeking to conduct research, development, or demonstration activities at the Testbed.

(h) DEFINITIONS.—In this section:

(1) CRITICAL MATERIAL.—The term ''critical material'' means any of the following:

(A) A critical material, as such term is defined in section 7002(a)(2) of the Energy Act of 2020 (30 U.S.C. 1606(a)(2); enacted as division Z of the Consolidated Appropriations Act, 2021 (Public Law 116–260)).

(B) A strategic mineral as determined by the Secretary of Defense pursuant to Presidential Determination 2022–11.

(2) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given such term in section 3 of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.