

**AMENDMENT TO S. 611**  
**OFFERED BY MR. GENE GREEN OF TEXAS**

Page 5, after line 8, insert the following:

**1 SEC. 5. ELECTRONIC WASTE EXPORT RESTRICTIONS.**

2 (a) AMENDMENT.—Subtitle C of the Solid Waste  
3 Disposal Act (42 U.S.C. 6921 et seq.) is amended by add-  
4 ing at the end the following new section:

**5 “SEC. 3025. ELECTRONIC WASTE EXPORT RESTRICTIONS.**

6 “(a) IN GENERAL.—Beginning on the date that is 30  
7 months after the date of enactment of this section, no per-  
8 son shall export restricted electronic waste to a country  
9 described in subsection (e).

10 “(b) DEFINITIONS; RULE OF CONSTRUCTION.—For  
11 purposes of this section:

12 “(1) CONSIGNEE.—The term ‘consignee’ means  
13 the ultimate repair, refurbishment, treatment, stor-  
14 age, or disposal facility in a receiving country to  
15 which restricted electronic waste will be sent.

16 “(2) COVERED ELECTRONIC EQUIPMENT.—

17 “(A) IN GENERAL.—The term ‘covered  
18 electronic equipment’ means the following used  
19 items, whole or in fragments, including parts,  
20 components, or assemblies thereof:

1 “(i) Computers.

2 “(ii) Central processing units.

3 “(iii) Mobile computers (including  
4 notebooks, netbooks, tablets, and e-book  
5 readers).

6 “(iv) Computer accessories (including  
7 input devices, webcams, speakers, data  
8 storage devices, servers, and monitors).

9 “(v) Televisions (including portable  
10 televisions and portable DVD players).

11 “(vi) Video display devices (including  
12 digital picture frames and portable video  
13 devices).

14 “(vii) Digital imaging devices (includ-  
15 ing printers, copiers, facsimile machines,  
16 image scanners, and multifunction ma-  
17 chines).

18 “(viii) Television peripheral devices  
19 (including video cassette recorders, DVD  
20 players, video game systems, game control-  
21 lers, signal converter boxes, and cable and  
22 satellite receivers).

23 “(ix) Digital cameras and projectors.

24 “(x) Digital audio players.

1 “(xi) Telephones and electronic com-  
2 munication equipment (including cellular  
3 phones and wireless Internet communica-  
4 tion devices).

5 “(xii) Networking devices (including  
6 routers, network cards, modems, and  
7 hubs).

8 “(xiii) Audio equipment.

9 “(xiv) Portable video game systems.

10 “(xv) Personal digital assistants.

11 “(xvi) Portable global positioning sys-  
12 tem navigation devices.

13 “(xvii) Other used electronic products  
14 the Administrator determines to be similar  
15 under the procedures promulgated in ac-  
16 cordance with subsection (c).

17 “(B) EXCEPTION.—The term ‘covered elec-  
18 tronic equipment’ shall not include parts of a  
19 motor vehicle.

20 “(3) RESTRICTED ELECTRONIC WASTE.—

21 “(A) IN GENERAL.—The term ‘restricted  
22 electronic waste’ means—

23 “(i) items of covered electronic equip-  
24 ment that include, contain, are derived  
25 from, or consist of—

1 “(I) cathode ray tubes or cathode  
2 ray tube glass in any form, or cathode  
3 ray tube phosphor residues or dusts in  
4 any form;

5 “(II) a lamp or other device con-  
6 taining mercury phosphor;

7 “(III) batteries containing—

8 “(aa) lead, cadmium, or  
9 mercury; or

10 “(bb) organic solvents exhib-  
11 iting the characteristic of ignit-  
12 ability, as defined in section  
13 261.21 of title 40, Code of Fed-  
14 eral Regulations;

15 “(IV) switches or any other de-  
16 vices containing mercury;

17 “(V) hexavalent chromium;

18 “(VI) other than batteries de-  
19 scribed in subclause (III), items con-  
20 taining antimony, barium, cadmium,  
21 lead, thallium, beryllium, arsenic, or  
22 selenium, including—

23 “(aa) circuit boards;

24 “(bb) printer drums;

25 “(cc) liquid crystal displays;

1 “(dd) flatscreen glass; and  
2 “(ee) light emitting diodes;

3 or

4 “(ii) any other covered electronic  
5 equipment, or materials derived therefrom,  
6 containing any other toxic material, in ele-  
7 mental or compound form, identified by  
8 the Administrator under subsection (c).

9 “(B) EXCEPTIONS.—The term ‘restricted  
10 electronic waste’ shall not apply to items de-  
11 scribed in this subparagraph.

12 “(i) DE MINIMIS.—Covered electronic  
13 equipment described in subparagraphs  
14 (A)(i)(VI) and (A)(ii), including separated  
15 component streams (such as plastics or  
16 metals), which does not exceed de minimis  
17 levels set by the Administrator under sub-  
18 section (d).

19 “(ii) REUSE.—Covered electronic  
20 equipment that is—

21 “(I) tested, pursuant to sub-  
22 section (i)(1), prior to export and  
23 found to be—

24 “(aa) functional for the pur-  
25 pose for which the equipment

1 was designed, or, in the case of  
2 multifunction devices, fully func-  
3 tional for at least one of the pri-  
4 mary purposes for which the  
5 equipment was designed; and

6 “(bb) appropriately pack-  
7 aged for shipment to prevent the  
8 equipment from losing functional-  
9 ity due to damage during transit;  
10 and

11 “(II) appropriately labeled or  
12 marked pursuant to subsection  
13 (i)(3)(A).

14 “(iii) CERTAIN CATHODE RAY TUBE  
15 GLASS.—Furnace-ready cathode ray tube  
16 glass cullet, cleaned of all phosphors, that  
17 the competent authority in the importing  
18 country declares in writing is not waste, to  
19 be used as—

20 “(I) a direct feedstock in a lead-  
21 glass manufacturing furnace; or

22 “(II) another feedstock applica-  
23 tion that does not require further  
24 processing or preparation other than  
25 quality control.

1                   “(iv) WARRANTIES.—Customer re-  
2                   turns, to point of sale, to original equip-  
3                   ment manufacturers, or to contractual  
4                   warranty collectors, of recently purchased  
5                   covered electronic equipment—

6                   “(I) that is either—

7                   “(aa) under original equip-  
8                   ment manufacturer warranty to  
9                   customers; or

10                  “(bb) under warranty from  
11                  the original design manufacturer  
12                  or original component manufac-  
13                  turer to the original equipment  
14                  manufacturer, or otherwise re-  
15                  turned by the original purchaser  
16                  of the electronic equipment, due  
17                  to defect or customer dissatisfac-  
18                  tion, and the manufacturer ac-  
19                  cepts such returns for the pur-  
20                  poses of repair or replacement in  
21                  order to return to the customer a  
22                  functional working product or  
23                  part of the same type and model,  
24                  except that products and parts

1 covered in this item shall not in-  
2 clude—

3 “(AA) covered elec-  
4 tronic equipment accepted  
5 for return from individuals  
6 or businesses under general  
7 takeback, recycling, trade-in  
8 (for purposes of recycling,  
9 disposal, sales promotions,  
10 or obtaining credit for prod-  
11 uct purchases or leases) or  
12 buy-back programs, events,  
13 or policies designed to col-  
14 lect used or waste electronic  
15 equipment;

16 “(BB) covered elec-  
17 tronic equipment returned at  
18 the end of leases to cus-  
19 tomers; or

20 “(CC) covered elec-  
21 tronic equipment collected  
22 by asset recovery programs;  
23 and

24 “(II) where any export of such  
25 covered electronic equipment is to a



1 country from whose competent au-  
2 thority the Administrator receives  
3 written consent pursuant to sub-  
4 section (h)(1).

5 “(v) RECALLS.—Recalls of covered  
6 electronic equipment by an original equip-  
7 ment manufacturer, original design manu-  
8 facturer, or original component manufac-  
9 turer where—

10 “(I) the covered electronic equip-  
11 ment is subject to recall notice issued  
12 by the Consumer Product Safety  
13 Commission or other pertinent Fed-  
14 eral authority;

15 “(II) the original design manu-  
16 facturer or original component manu-  
17 facturer requires the defective covered  
18 electronic equipment to be physically  
19 returned to that manufacturer as a  
20 term of the warranty; and

21 “(III) any export of recalled cov-  
22 ered electronic equipment is to a  
23 country from whose competent au-  
24 thority the Administrator receives

1 written consent pursuant to sub-  
2 section (h)(1).

3 “(4) RULE OF CONSTRUCTION REGARDING  
4 CHEMICAL ELEMENTS.—Any reference to a chemical  
5 element shall be construed to be a reference to that  
6 element in compound or elemental form.

7 “(c) ADDITIONAL COVERED ELECTRONIC EQUIP-  
8 MENT AND RESTRICTED MATERIALS.—Not later than 18  
9 months after the date of enactment of this section, the  
10 Administrator shall, after notice and opportunity for pub-  
11 lic comment, and after consultation with appropriate Fed-  
12 eral and State agencies, develop and promulgate proce-  
13 dures for identifying—

14 “(1) similar electronic equipment to add to the  
15 list of covered electronic equipment under subsection  
16 (b)(2); and

17 “(2) additional restricted toxic materials to add  
18 to the list in subsection (b)(3)(A)(ii), the presence of  
19 which in covered electronic equipment poses a poten-  
20 tial hazard to human health or the environment.

21 Such procedures shall include a method for any interested  
22 party to propose a new product or material for review by  
23 the Administrator.

24 “(d) DE MINIMIS LEVELS.—Not later than 18  
25 months after the date of enactment of this section, the

1 Administrator shall, after notice and opportunity for pub-  
2 lic comment, and after consultation with appropriate Fed-  
3 eral and State agencies, develop and promulgate proce-  
4 dures for identifying de minimis levels for restricted elec-  
5 tronic waste described in subparagraphs (A)(i)(VI) and  
6 (A)(ii) of subsection (b)(3), below which such waste is de-  
7 termined by the Administrator not to pose a potential haz-  
8 ard to human health or the environment.

9 “(e) COUNTRIES TO WHICH PROHIBITION AP-  
10 PLIES.—The countries referred to in subsection (a) are all  
11 countries which are not—

12 “(1) members of the Organisation for Economic  
13 Co-operation and Development or the European  
14 Union; or

15 “(2) Liechtenstein.

16 “(f) NOTICE TO ADMINISTRATOR.—

17 “(1) IN GENERAL.—Except as provided in para-  
18 graph (2), no person shall export covered electronic  
19 equipment described in subsection (b)(3)(B) to a  
20 country described in subsection (e) unless, not later  
21 than 60 days before the initial export shipment, such  
22 person transmits to the Administrator written notice  
23 of an intended export. Such a notification may cover  
24 export activities extending over a maximum of 12  
25 months for the same type of covered electronic

1 equipment, exported to the same facility via the  
2 same transit countries. The notification shall include  
3 the following information:

4 “(A) The name, mailing address, telephone  
5 number, and if applicable, the Environmental  
6 Protection Agency or Resource Conservation  
7 and Recovery Act identification number.

8 “(B) Documentation of licensing of the ex-  
9 porter under subsection (g).

10 “(C) The name and site address of the  
11 consignee and any alternate consignee.

12 “(D) A statement from the exporter that  
13 includes—

14 “(i) a description of the type and total  
15 quantity of covered electronic equipment  
16 that will be exported to the consignee;

17 “(ii) the estimated frequency or rate  
18 at which such covered electronic equipment  
19 is to be exported, and the period of time  
20 over which such covered electronic equip-  
21 ment is to be exported;

22 “(iii) all points of entry to and depart-  
23 ure from each country through which the  
24 covered electronic equipment will pass in  
25 transit;

1 “(iv) a description of the means by  
2 which each shipment of the covered elec-  
3 tronic equipment will be transported, in-  
4 cluding the mode of transportation and  
5 type or types of container; and

6 “(v) a description of the manner in  
7 which the covered electronic equipment will  
8 be treated, stored, or disposed of in the re-  
9 ceiving country.

10 “(E) A list of all transit countries through  
11 which the covered electronic equipment will be  
12 transported, and a description of the approxi-  
13 mate length of time the covered electronic  
14 equipment will remain in each country and the  
15 nature of its handling while there.

16 “(2) EXCEPTION.—The requirements of para-  
17 graph (1) shall not apply with respect to exports of  
18 covered electronic equipment described in subsection  
19 (b)(3)(B)(i), or exports of covered electronic equip-  
20 ment described in subsection (b)(3)(B)(ii).

21 “(g) LICENSES.—In order to export covered elec-  
22 tronic equipment to a country described in subsection (e)  
23 under the exceptions to restricted electronic waste in sub-  
24 section (b)(3)(B), an entity shall obtain a license for such

1 export that is issued by the Administrator in accordance  
2 with regulations issued under subsection (i)(2).

3 “(h) ADDITIONAL EXPORT CONDITIONS.—

4 “(1) WARRANTIES AND RECALLS.—

5 “(A) IN GENERAL.—No person shall ex-  
6 port covered electronic equipment to a country  
7 described in subsection (e) under the exceptions  
8 to restricted electronic waste in subsections  
9 (b)(3)(B)(iv) or (v) unless—

10 “(i) the export is made by an original  
11 equipment manufacturer or its contractual  
12 agent to the original design manufacturer  
13 or original component manufacturer’s site  
14 of last assembly, or to a company con-  
15 tracted to make warranty repairs, for the  
16 purposes of business credit to the original  
17 equipment manufacturer, repair or refur-  
18 bishment and subsequent reuse, or replace-  
19 ment;

20 “(ii) the original equipment manufac-  
21 turer has a presence and assets in the  
22 United States; and

23 “(iii) the person who exports the cov-  
24 ered electronic equipment—

1           “(I) keeps copies of normal busi-  
2           ness records, such as contracts, dem-  
3           onstrating that each shipment of ex-  
4           ported covered electronic equipment is  
5           intended for repair or refurbishment  
6           and subsequent reuse, or replacement,  
7           which documentation shall be retained  
8           for a period of at least 3 years after  
9           the date of export; and

10           “(II) submits an annual report to  
11           the Administrator on the amount and  
12           types of waste resulting from the re-  
13           furbishment or replacement process,  
14           and how it was disposed of or recy-  
15           cled, which shall include—

16           “(aa) number and weight of  
17           units of products returned by the  
18           original equipment manufacturer  
19           for repair, refurbishment, or re-  
20           placement listed by category and  
21           country of destination; and

22           “(bb) the covered electronic  
23           equipment, or materials derived  
24           therefrom, sent onward to fur-  
25           ther reuse, disposal, or recycling

1 following repair, refurbishment,  
2 or replacement, listed by weight,  
3 a description of the wastes, and  
4 the ultimate country destination.

5 “(B) ACKNOWLEDGMENT OF CONSENT.—

6 “(i) REQUIREMENT.—No person shall  
7 export covered electronic equipment to a  
8 country described in subsection (e) under  
9 the exceptions to restricted electronic waste  
10 in subsections (b)(3)(B)(iv) or (v) until the  
11 Administrator—

12 “(I) obtains the written consent  
13 of the competent authority of the re-  
14 ceiving country, and of each country  
15 through which the covered electronic  
16 equipment will pass in transit; and

17 “(II) transmits to the exporter  
18 an Acknowledgment of Consent re-  
19 flecting receipt of each country’s con-  
20 sent.

21 “(ii) COUNTRY NOTIFICATION.—In co-  
22 operation with other appropriate agencies,  
23 the Administrator shall provide notification  
24 in writing of an intended export submitted



1 under subsection (f) to the receiving coun-  
2 try and any transit countries.

3 “(iii) CONSENT AND EXPORTER NOTI-  
4 FICATION.—When the receiving country  
5 and all transit countries consent in writing  
6 to the receipt or transit of the covered elec-  
7 tronic equipment, the Administrator shall  
8 transmit an Acknowledgment of Consent to  
9 the exporter. The consent from a receiving  
10 or transit country may be for a notice of  
11 multiple shipments or a specified duration  
12 as described in subsection (f). The exporter  
13 shall attach a copy of the Acknowledgment  
14 of Consent to the shipping papers or equiv-  
15 alent documents to ensure that the Ac-  
16 knowledgment of Consent accompanies the  
17 shipment of covered electronic equipment.

18 “(C) WITHDRAWAL OF CONSENT.—Where  
19 the receiving country or a transit country ob-  
20 jects to receipt or transit of the covered elec-  
21 tronic equipment, or withdraws a prior consent,  
22 the Administrator shall notify the exporter in  
23 writing.

24 “(2) REUSE.—No person shall export covered  
25 electronic equipment to a country described in sub-

1 section (e) under the exception to restricted elec-  
2 tronic waste in subsection (b)(3)(B)(ii) unless such  
3 covered electronic equipment is accompanied by doc-  
4 umentation that is available for review, including—

5 “(A) documentation of licensing of the ex-  
6 porter under subsection (g); and

7 “(B) a declaration signed by an officer or  
8 designated representative of the exporter assert-  
9 ing that such equipment—

10 “(i) was tested, pursuant to sub-  
11 section (i)(1), after it was removed from  
12 service, or after it was repaired or refur-  
13 bished, and is functional in accordance  
14 with the requirements of subsection  
15 (b)(3)(B)(ii); and

16 “(ii) is being exported for the purpose  
17 of direct reuse, and not for recycling or  
18 final disposal.

19 “(3) DE MINIMIS EXPORTS.—No person shall  
20 export covered electronic equipment described in  
21 subsection (b)(3)(B)(i) unless such equipment is ac-  
22 companied by documentation of licensing of the ex-  
23 porter under subsection (g).

24 “(4) CERTAIN TRANSACTIONS.—In the case of  
25 a routed export transaction of covered electronic

1 equipment under the exceptions to restricted elec-  
2 tronic waste in subsection (b)(3)(B) where the ex-  
3 porter of record is a Foreign Principle Party in In-  
4 terest (FFPI), then the U.S. Principle Party in In-  
5 terest (USPPI) is responsible for compliance with  
6 the requirements of this section, including the licens-  
7 ing requirements under subsection (g).

8 “(i) REGULATIONS.—Not later than 18 months after  
9 the date of enactment of this section, the Administrator  
10 shall issue regulations for carrying out this section, includ-  
11 ing the following:

12 “(1) Testing requirements for covered electronic  
13 equipment proposed to be exported pursuant to the  
14 exception to restricted electronic waste in subsection  
15 (b)(3)(B)(ii).

16 “(2) Establishing a process for licensing entities  
17 under subsection (g), including requirements that  
18 entities proposing to export covered electronic equip-  
19 ment under the exceptions to restricted electronic  
20 waste in subsection (b)(3)(B) must meet to obtain a  
21 license, including documentation that—

22 “(A) the exporter has an adequate physical  
23 presence in the United States, as determined by  
24 the Administrator, in order to be able to phys-

1           ically manage the equipment being exported;  
2           and

3                 “(B) with respect to covered electronic  
4           equipment that is being exported for reuse pur-  
5           suant to the exception to restricted electronic  
6           waste in subsection (b)(3)(B)(ii), the exporter  
7           has procedures and controls in place to ensure  
8           that adequate testing, pursuant to paragraph  
9           (1), will occur to determine the functionality of  
10          such equipment, in accordance with the require-  
11          ments of such subsection (b)(3)(B)(ii).

12                 “(3) In consultation with the appropriate Fed-  
13          eral agency or agencies, provisions for an efficient  
14          export control regime which will allow for—

15                 “(A) requiring a person exporting under  
16          this section to use appropriate labeling or  
17          marking, distinguishing among—

18                         “(i) covered electronic equipment as  
19                         permitted under this section;

20                         “(ii) restricted electronic waste de-  
21                         scribed in this section; and

22                         “(iii) tested working covered electronic  
23                         equipment as permitted under this section;  
24                         and

1 “(B) enforcement mechanisms, tests, and  
2 procedures in coordination with enforcement  
3 procedures administered by other appropriate  
4 Federal agencies, including—

5 “(i) procedures to ensure that exports  
6 of covered electronic equipment under the  
7 exception to restricted electronic waste in  
8 subsection (b)(3)(B)(ii) without proper  
9 documentation required under subsection  
10 (h)(2) shall not proceed out of the port;  
11 and

12 “(ii) procedures whereby entities who  
13 obtain a license for export under sub-  
14 section (g) will forfeit such license for vio-  
15 lation of this section.

16 “(4) Establishing a registry of violators, where-  
17 by any person or entity found to be exporting re-  
18 stricted electronic waste in violation of this section  
19 shall be listed on a public registry on a website  
20 maintained by the Administrator for a period of 5  
21 years after each violation.”.

22 (b) TABLE OF CONTENTS AMENDMENT.—The table  
23 of contents for the Solid Waste Disposal Act is amended  
24 by adding after the item relating to section 3024 the fol-  
25 lowing new item:

“See 3025. Electronic waste export restrictions.”.

1 **SEC. 6. ENFORCEMENT.**

2 (a) CRIMINAL PENALTIES.—Section 3008(d) of the  
3 Solid Waste Disposal Act (42 U.S.C. 6928(d)) is amend-  
4 ed—

5 (1) by striking “or” at the end of paragraph  
6 (6);

7 (2) by inserting “or” at the end of paragraph  
8 (7)(B); and

9 (3) by inserting after paragraph (7) the fol-  
10 lowing new paragraph:

11 “(8) knowingly exports restricted electronic  
12 waste in violation of section 3025;”.

13 (b) INSPECTIONS.—Section 3007(a) of the Solid  
14 Waste Disposal Act (42 U.S.C. 6927(a)) is amended—

15 (1) by inserting “or restricted electronic  
16 wastes” after “or has handled hazardous wastes”;  
17 and

18 (2) by inserting “or restricted electronic  
19 wastes” after “or other place where hazardous  
20 wastes”.

21 **SEC. 7. CRITICAL MINERALS AND RARE EARTH ELEMENTS**  
22 **RECYCLING RESEARCH.**

23 (a) DEFINITIONS.—In this section:

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

1           (2) CRITICAL MINERALS.—The term “critical  
2   mineral” means any of the following chemical ele-  
3   ments in any physical form or chemical combination:

4           (A) Antimony.

5           (B) Beryllium.

6           (C) Cobalt.

7           (D) Fluorspar.

8           (E) Gallium.

9           (F) Germanium.

10          (G) Graphite.

11          (H) Indium.

12          (I) Magnesium.

13          (J) Niobium.

14          (K) Platinum group metals (PGMs).

15          (L) Tantalum.

16          (M) Tungsten.

17          (N) Other elements identified by the Sec-  
18   retary as in critical supply.

19          (3) RARE EARTH ELEMENTS.—The term “rare  
20   earth element” means any of the following chemical  
21   elements in any physical form or chemical combina-  
22   tion:

23          (A) Scandium.

24          (B) Yttrium.

25          (C) Lanthanum.

- 1 (D) Cerium.
- 2 (E) Praseodymium.
- 3 (F) Neodymium.
- 4 (G) Promethium.
- 5 (H) Samarium.
- 6 (I) Europium.
- 7 (J) Gadolinium.
- 8 (K) Terbium.
- 9 (L) Dysprosium.
- 10 (M) Holmium.
- 11 (N) Erbium.
- 12 (O) Thulium.
- 13 (P) Ytterbium.
- 14 (Q) Lutetium.

15 (4) SECRETARY.—The term “Secretary” means  
16 the Secretary of Energy.

17 (b) RESEARCH ON CRITICAL MINERALS AND RARE  
18 EARTH ELEMENTS IN ELECTRONIC DEVICES.—The Sec-  
19 retary, in consultation with the Administrator and the  
20 heads of other appropriate Federal agencies, shall assist  
21 in, and coordinate the development of, research in the re-  
22 covering and recycling of critical minerals and rare earth  
23 elements found in electronic devices.

24 (c) GRANTS.—Not later than 120 days after the date  
25 of enactment of this Act, the Secretary shall establish a



1 competitive research application program under which the  
2 Secretary shall provide grants to applicants to conduct re-  
3 search on one or more of the following activities:

4 (1) The safe removal, separation, and recycling  
5 of critical minerals and rare earth elements from  
6 electronics.

7 (2) Technology, component, and material design  
8 of electronics more suitable for disassembly and re-  
9 cycling of critical minerals and rare earth elements.

10 (3) Collection, logistics, and reverse supply  
11 chain optimization as related to recycling critical  
12 minerals and rare earth elements from electronics.

13 (d) GRANT REQUIREMENTS.—The Secretary shall  
14 issue requirements for applying for grants under sub-  
15 section (c).

