

(b) *STUDY; REPORT.*—Not later than 1 year after the development of a metric under subsection (a), the Administrator shall conduct a study of, and submit to Congress a report on, the proportion of recyclable materials in commercial and municipal waste streams that, during each of the 10 calendar years preceding the year of submission of the report, were diverted from a circular market.

(c) *DATA.*—The report under subsection (b) shall provide data on specific recyclable materials, including aluminum, plastics, paper and paperboard, textiles, and glass, that were prevented from remaining in a circular market through disposal or elimination, and to what use those specific recyclable materials were lost.

(d) *EVALUATION.*—The report under subsection (b) shall include an evaluation of whether the establishment or improvement of recycling programs would—

- (1) improve recycling rates; or
- (2) reduce the quantity of recyclable materials being unutilized in a circular market.

SEC. 8. VOLUNTARY GUIDELINES.

The Administrator shall—

(1) in consultation with States, units of local government, and Indian Tribes, develop, based on the results of the studies, reports, inventory, and data determined under sections 4 through 7, and provide to States, units of local government, and Indian Tribes best practices that the States, units of local government, and Indian Tribes may use to enhance recycling and composting, including—

(A) labeling techniques for containers of waste, compostable materials, and recycling, with the goal of creating consistent, readily available, and understandable labeling across jurisdictions;

(B) pamphlets or other literature readily available to constituents;

(C) primary and secondary school educational resources on recycling;

(D) web and media-based campaigns; and

(E) guidance for the labeling of recyclable materials and compostable materials that minimizes contamination and diversion of those materials from waste streams toward recycling and composting systems; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress a report describing the best practices developed under paragraph (1).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this Act for each fiscal year.

Mr. CARPER. I ask unanimous consent that the committee-reported substitute amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 3743), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from West Virginia.

RECYCLING INFRASTRUCTURE AND ACCESSIBILITY ACT OF 2022

Mrs. CAPITO. Mr. President, I feel like the Senator from West Virginia right now.

I am very glad that we are going to be passing these two recycling bills.

I will just briefly say I am the cosponsor of the bipartisan Recycling and Infrastructure Accessibility Act. Sometimes the simplest things that we can do have such great impacts, and I think that is what we are going to see here today.

In rural America, we don't have the accessibility to recycling and the infrastructure that we need, and that is the point of my bill. It helps us, obviously, protect our environment, supports jobs, and it helps our municipalities and others be able to sustain these.

This is a pilot program that would give Federal support for recycling infrastructure projects, such as transfer stations and dropoff facilities. That is the difficulty; you can't have one in every small town. You need to have a spoke-and-hub sort of system, and that is what this is looking at.

I will speed it up here. I want to thank all the different organizations and groups that have helped: The National Water Resources Association, the Plastics Industry Association, the American Beverage Association, our associated staffs, and particularly the chair of the full committee. He has been just a champion here in working on the recycling bills. He is the main sponsor of the Recycling Composting Accountability Act, of which I am also a cosponsor.

These will fill great and important data gaps. These are recycling bills that were reported out by voice votes so we have unanimous consent by our committee. I am glad that our colleagues have agreed to pass them.

S. 3742

So I will move on and say, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 357, S. 3742.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3742) to establish a pilot grant program to improve recycling accessibility, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. CAPITO. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 3742) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3742

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 "Recycling Infrastructure and Accessibility Act of 2022".

SEC. 2. RECYCLING INFRASTRUCTURE AND ACCESSIBILITY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CURBSIDE RECYCLING.—The term "curbside recycling" means the process by which residential recyclable materials are picked up curbside.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903));

(B) a unit of local government;

(C) an Indian Tribe; and

(D) a public-private partnership.

(4) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) MATERIALS RECOVERY FACILITY.—

(A) IN GENERAL.—The term "materials recovery facility" means a recycling facility where primarily residential recyclables, which are diverted from disposal by a generator and collected separately from municipal solid waste, are mechanically or manually sorted into commodities for further processing into specification-grade commodities for sale to end users.

(B) EXCLUSION.—The term "materials recovery facility" does not include a solid waste management facility that may process municipal solid waste to remove recyclable materials.

(6) PILOT GRANT PROGRAM.—The term "pilot grant program" means the Recycling Infrastructure and Accessibility Program established under subsection (b).

(7) RECYCLABLE MATERIAL.—The term "recyclable material" means obsolete, previously used, off-specification, surplus, or incidentally produced material for processing into a specification-grade commodity for which a market exists.

(8) TRANSFER STATION.—The term "transfer station" means a facility that—

(A) receives and consolidates recyclable material from curbside recycling or drop-off facilities; and

(B) loads the recyclable material onto tractor trailers, railcars, or barges for transport to a distant materials recovery facility or another recycling-related facility.

(9) UNDERSERVED COMMUNITY.—The term "underserved community" means a community, including an unincorporated area, without access to full recycling services because—

(A) transportation, distance, or other reasons render utilization of available processing capacity at an existing materials recovery facility cost prohibitive; or

(B) the processing capacity of an existing materials recovery facility is insufficient to manage the volume of recyclable materials produced by that community.

(b) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall establish a pilot grant program, to be known as the "Recycling Infrastructure and Accessibility Program", to award grants, on a competitive basis, to eligible entities to improve recycling accessibility in a community or communities within the same geographic area.

(c) GOAL.—The goal of the pilot grant program is to fund eligible projects that will significantly improve accessibility to recycling systems through investments in infrastructure in underserved communities through the use of a hub-and-spoke model for recycling infrastructure development.

(d) APPLICATIONS.—To be eligible to receive a grant under the pilot grant program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(e) CONSIDERATIONS.—In selecting eligible entities to receive a grant under the pilot grant program, the Administrator shall consider—

(1) whether the community or communities in which the eligible entity is seeking to carry out a proposed project has curbside recycling;

(2) whether the proposed project of the eligible entity will improve accessibility to recycling services in a single underserved community or multiple underserved communities; and

(3) if the eligible entity is a public-private partnership, the financial health of the private entity seeking to enter into that public-private partnership.

(f) PRIORITY.—In selecting eligible entities to receive a grant under the pilot grant program, the Administrator shall give priority to eligible entities seeking to carry out a proposed project in a community in which there is not more than 1 materials recovery facility within a 75-mile radius of that community.

(g) USE OF FUNDS.—An eligible entity awarded a grant under the pilot grant program may use the grant funds for projects to improve recycling accessibility in communities, including in underserved communities, by—

(1) increasing the number of transfer stations;

(2) expanding curbside recycling collection programs where appropriate; and

(3) leveraging public-private partnerships to reduce the costs associated with collecting and transporting recyclable materials in underserved communities.

(h) PROHIBITION ON USE OF FUNDS.—An eligible entity awarded a grant under the pilot grant program may not use the grant funds for projects relating to recycling education programs.

(i) MINIMUM AND MAXIMUM GRANT AMOUNT.—A grant awarded to an eligible entity under the pilot grant program shall be in an amount—

(1) not less than \$500,000; and

(2) not more than \$15,000,000.

(j) SET-ASIDE.—The Administrator shall set aside not less than 70 percent of the amounts made available to carry out the pilot grant program for each fiscal year to award grants to eligible entities to carry out a proposed project or program in a single underserved community or multiple underserved communities.

(k) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a project or program carried out by an eligible entity using grant funds shall be not more than 90 percent.

(2) WAIVER.—The Administrator may waive the Federal share requirement under paragraph (1) if the Administrator determines that an eligible entity would experience significant financial hardship as a result of that requirement.

(l) REPORT.—Not later than 2 years after the date on which the first grant is awarded under the pilot grant program, the Administrator shall submit to Congress a report describing the implementation of the pilot grant program, which shall include—

(1) a list of eligible entities that have received a grant under the pilot grant program;

(2) the actions taken by each eligible entity that received a grant under the pilot grant program to improve recycling accessibility with grant funds; and

(3) to the extent information is available, a description of how grant funds received under the pilot grant program improved recycling rates in each community in which a project or program was carried out under the pilot grant program.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator to carry out the pilot grant program such sums as may be necessary for each of fiscal years 2023 through 2027, to remain available until expended.

(2) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Of the amounts made available under paragraph (1), the Administrator may use up to 5 percent—

(A) for administrative costs relating to carrying out the pilot grant program; and

(B) to provide technical assistance to eligible entities applying for a grant under the pilot grant program.

Mrs. CAPITO. Thank you.

Mr. CARPER. Mr. President, I ask that Senator BOOZMAN, who is a charter member of the Senate Recycling Caucus, be recognized to speak on behalf of these measures, which he has played a key role on.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. BOOZMAN. Thank you, Mr. President, and thank you, Mr. Chairman and Ranking Member CAPITO, for your leadership in that this area.

As has been said and should be said many times more, we appreciate the great work of our staffs in getting this done.

The other thing that is so important is the answers to our problems need to come from the ground up. Through the Recycling Caucus and hearings, and the list goes on and on, this is where those answers were generated—from the people who are out fighting the battles.

We talk a lot about the lack of bipartisanship and things. This is a great example of people working together for the common good up here.

It is great for the environment in the sense that recycling is not just gathering. We don't want to have a situation continuing, like we do now, where so much of that that is gathered actually winds up in the landfill eventually.

Conservation is the low-hanging fruit. You know, it makes all the sense in the world to reuse things. It creates a situation where we lessen the dependence on landfills, things like that. And then, again, in this age of globalization and things, we really do need to use the resources that we have and then continue to use the resources as we go forward.

So we are talking about jobs. We are talking about the environment. And, for that reason, I very much support and appreciate, as I said, the leadership of the chairman and the ranking member for their great effort in pushing this forward.

And, with that, I yield the floor to Senator CARDIN—Mr. Chairman.

I yield the floor.

Mr. CARPER. Mr. President, I just want to say again my thanks to—I think I am pretty rabid on recycling, but this fellow from Arkansas is right there with me. I appreciate very much both your leadership and Senator CAPITO's.

I think we are going to shift gears here. We just passed two very signifi-

cant recycling bills for our country. This is something that I am thrilled about, and I know Senator CAPITO is as well. And we are going to shift gears and take some time to consider other important legislation: the Water Resources Development Act.

Senator CARDIN, who chairs the subcommittee, has jurisdiction on the water resources bill. I think he is prepared to speak.

I think I need to make a unanimous consent request before we do that.

LEGISLATIVE SESSION

WATER RESOURCES DEVELOPMENT ACT OF 2022

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and consider H.R. 7776, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 7776) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

The PRESIDING OFFICER. Under the previous order, amendment No. 5140 is agreed to.

There will now be up to 1 hour of debate equally divided in the usual form.

The amendment (No. 5140) in the nature of a substitute was agreed to.

(The amendment is printed in the RECORD of July 20, 2022, under "Text of Amendments.")

Mr. CARPER. Mr. President, with that, I would please yield to the chairman of the subcommittee that has jurisdiction over the Water Resources Development Act, BEN CARDIN.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Chairman CARPER and Ranking Member CAPITO and my counterpart on the Subcommittee on Infrastructure, Senator CRAMER, for bringing us to this moment where we will soon be voting on the Water Resources Development Act.

I must tell you, this is an extremely important bill that gives the Army Corps the authorization they need to advance critically important water projects in our country.

Mr. President, this was passed by a unanimous vote in the Environment and Public Works Committee. Due to the leadership of Senator CARPER and Senator CAPITO, this bill involves the input of all the members of our committee and—dare I say—all the Members of the U.S. Senate. So I want to thank them for getting this bill to the point where we will be able to vote on it this afternoon.

This bill is truly bipartisan. It incorporates the input from every single Senator and reflects priorities for our