

local educational agencies that have been financially impacted by the presence of radioactive contaminants stemming from the atomic energy activities of the United States Government.

(C) APPLICATIONS FOR FINANCIAL ASSISTANCE.—

(1) REIMBURSEMENT FOR TESTING.—

(A) IN GENERAL.—The Secretary shall provide financial assistance to each local educational agency that submits to the Secretary an application that includes—

(i) a certification that the local educational agency incurred expenses while testing for radioactive contaminants at an impacted school;

(ii) proof of such expenses; and

(iii) proof that such testing—

(I) led to further testing under the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers; or

(II) was undertaken following testing by a private entity that found radioactive contamination.

(B) LIMITATIONS.—Financial assistance provided to a local educational agency under this paragraph shall not exceed the amount expended by such local educational agency to test for radioactive contamination.

(2) FUNDING FOR CONSTRUCTION.—

(A) IN GENERAL.—The Secretary shall provide financial assistance for the construction of a new school building to each local educational agency that submits to the Secretary an application that includes the following:

(i) A plan for the construction of a new school building.

(ii) Documentation that a school under the jurisdiction of the local educational agency is an impacted school.

(iii) A budget for the construction of a new school building.

(iv) A certification that the local educational agency shall only use financial assistance provided under this paragraph for 1 or more of the following purposes:

(I) To purchase land for the construction of a new school building.

(II) To construct a new school building to replace an impacted school.

(B) LIMITATIONS.—

(i) AMOUNT OF FUNDING.—Financial assistance provided to a local educational agency under this paragraph shall not exceed \$20,000,000 for each impacted school.

(ii) USE OF FUNDS.—A local educational agency that receives financial assistance under this paragraph may only use such financial assistance for 1 or more of the following purposes:

(I) To purchase land for the construction of a new school building.

(II) To construct a new school building to replace an impacted school.

(3) CONSIDERATIONS.—The Secretary may not reject an application submitted by a local educational agency for financial assistance under this subsection due to prior remediation by the Corps of Engineers or any other relevant Federal agency of an impacted school under the jurisdiction of such local educational agency.

(d) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Program, which shall include—

(1) a description of the number of applications submitted under this section; and

(2) a description of the amount of financial assistance provided to local educational agencies under this section.

SEC. 5. INVESTIGATION OF SCHOOLS IN HAZELWOOD SCHOOL DISTRICT FOR CONTAMINATES.

(a) DESIGNATION.—Notwithstanding any other provision of law, each covered school shall be designated as a vicinity property of

the St. Louis Airport Site of the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers.

(b) INVESTIGATION.—

(1) IN GENERAL.—The Secretary of the Army shall investigate and characterize each covered school in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the National Contingency Plan, including, at a minimum, carrying out a preliminary assessment and site inspection of each covered school.

(2) INCLUSION.—An investigation of a covered school under paragraph (1) shall include on-site investigatory efforts and sampling in accordance with section 300.420(c)(2) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(c) REPORTS.—The Secretary of the Army shall develop and make available to the public, for each covered school, a report that includes the results of the investigation under subsection (b), including—

(1) the results of the on-site investigatory efforts;

(2) a summary of the results of sampling under paragraph (2) of that subsection for contaminants of concern, including the average and highest detected levels of each contaminant of concern; and

(3) an evaluation of the danger posed to students and employees of the covered school by the levels of contamination.

(d) COMMUNITY RELATIONS.—In carrying out this section, the Secretary of the Army shall comply with all applicable requirements relating to community relations and public notification under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), and sections 300.415, 300.430, and 300.435 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 6. REVIEW AND REPORT OF RADIOACTIVE TESTING AT JANA ELEMENTARY SCHOOL.

(a) REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall review the methodology and results of all tests for radioactive contaminants conducted at Jana Elementary School, including—

(1) tests conducted by the Corps of Engineers;

(2) tests conducted by Boston Chemical Data Corporation; and

(3) tests commissioned by the Hazelwood School District in the State of Missouri.

(b) REPORT.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review required by subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include—

(A) for each test described in subsection (a), an evaluation of—

(i) the reliability of the methodology used—

(I) to conduct such test; and

(II) to evaluate the results of such test; and

(i) the reliability of the opinions contained in any report summarizing the test; and

(B) an evaluation of the danger posed to children by any radioactive contaminants found at Jana Elementary School.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 2023 \$25,000,000 to carry out this Act.

Mr. HAWLEY. Mr. President, I ask unanimous consent that the motion to

reconsider be considered made and laid upon the table.

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

Mr. HAWLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

UDALL FOUNDATION REAUTHORIZATION ACT OF 2023

Mr. KELLY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1311, a bill to reauthorize the Morris K. Udall and Stewart L. Udall Trust Fund, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1311) to reauthorize the Morris K. Udall and Stewart L. Udall Trust Fund, and for other purposes.

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

Mr. KELLY. I further ask that the bill be considered read three times and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 1311) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1311

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 “Udall Foundation Reauthorization Act of 2023”.

SEC. 2. REAUTHORIZATION OF THE UDALL FOUNDATION TRUST FUND.

Section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5609) is amended—

(1) in subsection (a), by striking “2023” and inserting “2028”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “2023” and inserting “2028”; and

(3) in subsection (c), by striking “5-fiscal year period” and all that follows through the period at the end and inserting “5-fiscal year period beginning with fiscal year 2024.”.

Mr. KELLY. Mr. President, this legislation would reauthorize a Federal foundation, the Morris K. Udall and Stewart L. Udall Foundation Act, which was established to honor the legacy of two great Arizonans: Morris and Stewart Udall.

The Udall Foundation honors the legacy of the Udalls by awarding scholarships, fellowships, and internships for study related to the environment and for American Indians and Alaska Natives to study healthcare and Tribal public policy. The foundation also supports the Udall Center for Studies in Public Policy and the Native Nations Institute to conduct research on environmental policy, American Indian and Alaska Native healthcare issues, Tribal policy, and training.

My predecessor, Senator John McCain, was a longtime supporter of

the foundation and its work, and the foundation has honored Senate McCain's legacy through the John S. McCain III National Center for Environmental Conflict Resolution.

This legislation does not increase authorization levels for the foundation. It simply extends current levels through the end of fiscal year 2028 to allow the foundation to continue its important work.

I yield the floor.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND VEHICLE STANDARDS"—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise today in strong opposition to S.J. Res. 11, the Congressional Review Act resolution to disapprove of the Biden administration's clean air standards for heavy-duty trucks.

If enacted, this resolution would wipe away EPA's most recent final rule that addresses smog- and soot-forming pollution from our largest trucks and engines. The resolution could also prevent the Agency from ever issuing similar standards in the future.

This Congressional Review Act resolution is bad for public health. It is bad for our economy.

As many of us know, the transportation sector is one of our Nation's largest sources of nitrogen oxides, also known as NO_x emissions. Heavy-duty vehicles—such as our schoolbuses and long-haul trucks—make up a third of mobile source NO_x emissions.

Nitrogen oxide pollution is one of the main contributors to ozone pollution, or smog, and also contributes to soot pollution. These harmful air pollutants are linked to increased risks of asthma attacks, respiratory disease, and, sadly, in some cases, premature death.

In December 2022, I joined clean air advocates, labor leaders, and EPA Administrator Regan as he signed the final rule to reduce this pollution from new heavy-duty vehicles starting with model year 2027. This was the first time in more than 20 years that EPA had updated the heavy-duty vehicle NO_x requirements. It should not be confused with EPA's recently proposed greenhouse gas emissions standards for vehicles.

During the event, Administrator Regan told attendees that this rule would result in 48 percent reduction in NO_x by 2045—48 percent reduction in nitrogen oxide emissions by 2045. These reductions will improve air quality nationwide, especially in areas overburdened by air pollution and diesel emissions.

Reducing vehicle pollution nationwide is especially personal for us in

Delaware, where more than 90 percent of our air pollution comes from outside of our State.

The Heavy-Duty Vehicle NO_x Rule is good for our health and good for our economy. With that, I want to give my colleagues three reasons why they should vote against Senator FISCHER's CRA resolution.

First, the Heavy-Duty NO_x Rule enables States to better meet EPA's health-based ozone air quality standards. Without the rule, States would have to make costly decisions and find more expensive ways to further reduce NO_x emissions to meet ozone attainment. That is why many States and local air quality directors, including those in Arizona, Ohio, and Nevada, petitioned EPA in 2016 to take action on NO_x emissions from heavy-duty vehicles.

In the same vein, I would like to ask unanimous consent to submit for the RECORD a letter opposing S.J. Res. 11 from the National Association of Clean Air Agencies, which is an association that represents the State's clean air offices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
CLEAN AIR AGENCIES,
Washington, DC, April 25, 2023.

Hon. CHUCK SCHUMER,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. TOM CARPER,
Chair, Committee on Environment & Public Works, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

Hon. SHELLEY MOORE CAPITO,
Ranking Member, Committee on Environment & Public Works, U.S. Senate, Washington, DC.

DEAR SENATORS SCHUMER, MCCONNELL, CARPER, AND CAPITO: We write to you today on behalf of the National Association of Clean Air Agencies (NACAA) regarding S.J. Res. 11, introduced in the U.S. Senate on February 9, 2023, under which the U.S. Congress would disapprove the U.S. Environmental Protection Agency's (EPA) final rule, "Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards," published in the Federal Register on January 24, 2023 (88 Fed. Reg. 4296). NACAA is the national, nonpartisan, non-profit association of 157 state and local air pollution control agencies in 40 states, the District of Columbia and five territories. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

On May 16, 2022, NACAA submitted written comments to EPA on the agency's proposed rule to set cleaner standards for nitrogen oxide (NO_x) emissions from heavy-duty (HD) trucks. These comments emphasize the importance of EPA's final HD truck NO_x rule to state and local efforts across the nation to protect people's health, achieve and maintain clean air, and advance environmental justice goals.

Americans in every part of the country urgently need improvements in NO_x emissions from onroad HD vehicles. Among our comments to EPA, NACAA included specific examples from state and local air agencies of

the array of circumstances necessitating NO_x reductions. Below, we highlight some of the other key points made in our comments.

During the nearly eight years before EPA promulgated this final rule NACAA urged the agency on multiple occasions to set more protective HD truck NO_x standards. Prior to the 2023 rule, EPA last set federal HD truck NO_x emission standards in 2001. Given the interstate nature of trucking—both cross-border operations and downwind atmospheric transport—federal standards are necessary to achieve the broad NO_x reductions needed across the nation. Over the past two decades, technological advances to reduce HD truck NO_x emissions have grown significantly as has the potential for even further advances. At the same time, emission limits for most other major NO_x sources, such as power plants, generators, and industrial facilities, have repeatedly become more restrictive. Unless EPA took this federal action, HD trucks were on course to remain one of the largest contributors to the national mobile source NO_x inventory in 2028.

There is a looming crisis facing many state and local clean air agencies across the nation. Currently, more than one-third of the U.S. population lives in an area that does not meet the health- and welfare-based National Ambient Air Quality Standards (NAAQS) for ozone, particulate matter (PM) or both. Many of these areas are overburdened communities whose citizens are exposed to a disproportionate share of harmful environmental conditions. The excessive emissions from HD trucks are a primary cause, contributing substantial emissions of NO_x—which are linked with a large number of adverse impacts on the respiratory system. In addition, NO_x is the key pollutant contributing to the formation of ozone and PM_{2.5} and exposure to elevated levels of ozone and PM_{2.5} are associated with significant respiratory and cardiovascular impacts, including premature death.

While state and local air agencies have made great strides in reducing emissions from stationary sources. However, many state and local air agencies lack the authority to regulate mobile sources and never have the authority to regulate mobile sources upwind of or outside their borders. The regulation of mobile sources is an authority that lies almost entirely within the purview of the federal government. While some states and localities may be able to pursue "California" standards under Clean Air Act sections 209 and 177, most are precluded by state policies or legislation from adopting standards more stringent than those of the federal government.

Unfortunately, emission standards for this highway heavy-duty "federal source" did not keep pace with standards for the light-duty motor vehicle sector or stationary sources, and fell far short of what is needed to meet clean air, public health protection and environmental justice goals. As large swaths of the country slip deeper into nonattainment, or teeter on the cusp of it, many state and local air agencies are left with few remaining mechanisms to achieve the emission reductions the Clean Air Act demands. Areas that miss their attainment deadlines face the threat of "bump-up" to a more demanding classification of nonattainment—if they are not already classified as Extreme—and statutorily required economic sanctions if they fail to meet their attainment deadlines. On October 7, 2022, EPA bumped up over 25 areas in nonattainment of the 2008 and 2015 ozone NAAQS, meaning the citizens of these areas continue to suffer the detrimental impacts of unhealthful air.

Our nation is in need of a strong, sustainable transportation strategy with top priority placed on new federal programs to continue to protect people's health and reduce