

of the Senate on Tuesday, March 12, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Tuesday, March 12, 2024, at 3 p.m., to conduct a hearing.

RECYCLING INFRASTRUCTURE AND ACCESSIBILITY ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 104, S. 1189.

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

The legislative clerk read as follows:

A bill (S. 1189) 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, which had been reported from the Committee on Environment and Public Works.

Mr. SCHUMER. I ask unanimous consent that the Capito amendment at the desk 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. Without objection, it is so ordered.

The amendment (No. 1691) was agreed to as follows:

(Purpose: To improve the bill)

On page 1, line 5, strike “2023” and insert “2024”.

On page 7, strike lines 4 through 13 and insert the following:

(k) FEDERAL SHARE.—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 95 percent.

On page 8, line 8, strike “2023 through 2027” and insert “2025 through 2029”.

The bill (S. 1189), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1189

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 2024”.

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 pro-

gram, 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.—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 95 percent.

(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 is authorized to be appropriated to the Administrator to carry out the pilot grant program \$30,000,000 for each of fiscal years 2025 through 2029, 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.

RECYCLING AND COMPOSTING ACCOUNTABILITY ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 105, S. 1194.

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

The legislative clerk read as follows:

A bill (S. 1194) to require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works.

Mr. SCHUMER. I ask unanimous consent that the Carper amendment at the desk 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. Without objection, it is so ordered.

The amendment (No. 1692) was agreed to as follows:

(Purpose: To modify the authorization of appropriations)

Strike section 9 and insert the following:

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator to carry out this Act \$4,000,000 for each of fiscal years 2025 through 2029.

The bill (S. 1194), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1194

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 and Composting Accountability Act”.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

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

(2) CIRCULAR MARKET.—The term “circular market” means a market that utilizes industrial processes and economic activities to enable post-industrial and post-consumer materials used in those processes and activities to maintain their highest values for as long as possible.

(3) COMPOST.—The term “compost” means a product that—

(A) is manufactured through the controlled aerobic, biological decomposition of biodegradable materials;

(B) has been subjected to medium and high temperature organisms, which—

(i) significantly reduce the viability of pathogens and weed seeds; and

(ii) stabilize carbon in the product such that the product is beneficial to plant growth; and

(C) is typically used as a soil amendment, but may also contribute plant nutrients.

(4) COMPOSTABLE MATERIAL.—The term “compostable material” means material that is a feedstock for creating compost, including—

(A) wood;

(B) agricultural crops;

(C) paper;

(D) certified compostable products associated with organic waste;

(E) other organic plant material;

(F) marine products;

(G) organic waste, including food waste and yard waste; and

(H) such other material that is composed of biomass that can be continually replenished or renewed, as determined by the Administrator.

(5) COMPOSTING FACILITY.—The term “composting facility” means a location, structure, or device that transforms compostable materials into compost.

(6) 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).

(7) MATERIALS RECOVERY FACILITY.—

(A) IN GENERAL.—The term “materials recovery facility” means a dedicated facility where primarily residential recyclable materials, which are diverted from disposal by the 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.

(8) RECYCLABLE MATERIAL.—The term “recyclable material” means a material that is obsolete, previously used, off-specification, surplus, or incidentally produced for processing into a specification-grade commodity for which a circular market currently exists or is being developed.

(9) RECYCLING.—The term “recycling” means the series of activities—

(A) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(B) that may include sorting, collection, processing, and brokering; and

(C) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(10) STATE.—The term “State” has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) DEFINITION OF PROCESSING.—In paragraphs (7), (8), and (9) of subsection (a), the term “processing” means any mechanical, manual, or other method that—

(1) transforms a recyclable material into a specification-grade commodity; and

(2) may occur in multiple steps, with different steps, including sorting, occurring at different locations.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) recycling and composting conserve resources, protect the environment, and are important to the United States economy;

(2) the United States recycling and composting infrastructure encompass each of the entities that collect, process, broker, and consume recyclable materials and compostable materials sourced from commercial, industrial, institutional, and residential sources;

(3) the residential segment of the United States recycling and composting infrastructure is facing challenges from—

(A) confusion over what materials are recyclable materials or compostable materials;

(B) reduced export markets;

(C) growing, but still limited, domestic end markets; and

(D) an ever-changing and heterogeneous supply stream;

(4) in some areas, recycling and composting infrastructure is in need of revitalization; and

(5) in an effort to address those challenges, the United States must use a combination of tactics to improve recycling and composting in the United States.

SEC. 4. REPORT ON COMPOSTING INFRASTRUCTURE CAPABILITIES.

The Administrator, in consultation with States, units of local government, and Indian Tribes, shall—

(1) prepare a report, or expand work under the National Recycling Strategy to include data, describing the capability of the United States to implement a national composting strategy for compostable materials for the purposes of reducing contamination rates for recycling, including—

(A) an evaluation of existing Federal, State, and local laws that may present barriers to implementation of a national composting strategy;

(B)(i) an evaluation of existing composting programs of States, units of local government, and Indian Tribes; and

(ii) a description of best practices based on those programs;

(C) an evaluation of existing composting infrastructure in States, units of local government, and Indian Tribes for the purposes of estimating cost and approximate land needed to expand composting programs; and

(D) a study of the practices of manufacturers and companies that are moving to using compostable packaging and food service ware for the purpose of making the composting process the end-of-life use of those products; and

(2) not later than 2 years after the date of enactment of this Act, submit the report prepared under paragraph (1) to Congress.

SEC. 5. REPORT ON FEDERAL AGENCY RECYCLING PRACTICES.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until 2033, the Comptroller General of the United States, in consultation with the Administrator, shall make publicly available a report describing—

(1) the total annual recycling and composting rates reported by all Federal agencies;

(2) the total annual percentage of products containing recyclable material, compostable material, or recovered materials purchased by all Federal agencies, including—

(A) the total quantity of procured products containing recyclable material or recovered materials listed in the comprehensive procurement guidelines published under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e)); and

(B) the total quantity of compostable material purchased;

(3) recommendations for updating—

(A) the comprehensive procurement guidelines published under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e)); and

(B) the environmentally preferable purchasing program established under section 6604(b)(11) of the Pollution Prevention Act of 1990 (42 U.S.C. 13103(b)(11)); and

(4) the activities of each Federal agency that promote recycling or composting.

SEC. 6. IMPROVING DATA AND REPORTING.

(a) INVENTORY OF MATERIALS RECOVERY FACILITIES.—Not later than 1 year after the date of enactment of this Act, and biannually thereafter, the Administrator, in consultation with States, units of local government, and Indian Tribes, shall—

(1) prepare an inventory of public and private materials recovery facilities in the United States, including—

(A) the number of materials recovery facilities in each unit of local government in each State; and

(B) a description of the materials that each materials recovery facility can process, including—

(i) in the case of plastic, a description of—

(I) the types of accepted resin, if applicable; and

(II) the packaging or product format, such as a jug, a carton, or film;

(ii) food packaging and service ware, such as a bottle, cutlery, or a cup;

(iii) paper;
 (iv) aluminum, such as an aluminum beverage can, food can, aerosol can, or foil;
 (v) steel, such as a steel food or aerosol can;
 (vi) other scrap metal;
 (vii) glass; or
 (viii) any other material not described in any of clauses (i) through (vii) that a materials recovery facility can process; and
 (2) submit the inventory prepared under paragraph (1) to Congress.

(b) **ESTABLISHMENT OF A COMPREHENSIVE BASELINE OF DATA FOR THE UNITED STATES RECYCLING SYSTEM.**—The Administrator, in consultation with States, units of local government, and Indian Tribes, shall determine, with respect to the United States—

- (1) the number of community curbside recycling and composting programs;
- (2) the number of community drop-off recycling and composting programs;
- (3) the types and forms of materials accepted by each community curbside recycling, drop-off recycling, or composting program;
- (4) the number of individuals with access to recycling and composting services to at least the extent of access to disposal services;
- (5) the number of individuals with barriers to accessing recycling and composting services to at least the extent of access to disposal services;
- (6) the inbound contamination and capture rates of community curbside recycling, drop-off recycling, or composting programs;
- (7) where applicable, other available recycling or composting programs within a community, including store drop-offs; and
- (8) the average costs and benefits to States, units of local government, and Indian Tribes of recycling and composting programs.

(c) **STANDARDIZATION OF RECYCLING REPORTING RATES.**—

(1) **COLLECTION OF RATES.**—

(A) **IN GENERAL.**—The Administrator may use amounts made available under section 9 to biannually collect from each State the nationally standardized rate of recyclable materials in that State that have been successfully diverted from the waste stream and brought to a materials recovery facility or composting facility.

(B) **CONFIDENTIAL OR PROPRIETARY BUSINESS INFORMATION.**—Information collected under subparagraph (A) shall not include any confidential or proprietary business information, as determined by the Administrator.

(2) **USE.**—Using amounts made available under section 9, the Administrator may use the rates collected under paragraph (1) to further assist States, units of local government, and Indian Tribes—

- (A) to reduce the overall waste produced by the States and units of local government; and
- (B) to increase recycling and composting rates.

(d) **REPORT ON END MARKETS.**—

(1) **IN GENERAL.**—The Administrator, in consultation with States, units of local government, and Indian Tribes, shall—

(A) provide an update to the report submitted under section 306 of the Save Our Seas 2.0 Act (Public Law 116-224; 134 Stat. 1096) to include an addendum on the end-market sale of all recyclable materials, in addition to recycled plastics as described in that section, from materials recovery facilities that process recyclable materials collected from households and publicly available recyclable materials drop-off centers, including—

- (i) the total, in dollars per ton, domestic sales of bales of recyclable materials; and

(ii) the total, in dollars per ton, international sales of bales of recyclable materials;

(B) prepare a report on the end-market sale of compost from all compostable materials collected from households and publicly available compost drop-off centers, including the total, in dollars per ton, of domestic sales of compostable materials; and

(C) not later than 2 years after the date of enactment of this Act, submit to Congress the update to the report prepared under subparagraph (A) and the report prepared under subparagraph (B).

(2) **CONFIDENTIAL OR PROPRIETARY BUSINESS INFORMATION.**—Information collected under subparagraphs (A) and (B) of paragraph (1) shall not include any confidential or proprietary business information, as determined by the Administrator.

SEC. 7. STUDY ON THE DIVERSION OF RECYCLABLE MATERIALS FROM A CIRCULAR MARKET.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop a metric for determining the proportion of recyclable materials in commercial and municipal waste streams that are being diverted from a circular market.

(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, through the Model Recycling Program Toolkit or a similar resource, 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 is authorized to be appropriated to the Administrator to carry out this Act \$4,000,000 for each of fiscal years 2025 through 2029.

UDALL FOUNDATION REAUTHORIZATION ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2882, which was received from House and is at the desk.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 2882) 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. SCHUMER. Mr. President, I ask further that the Kelly substitute amendment at the desk 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 with no intervening action or debate.

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

The amendment (No. 1693) in the nature of a substitute was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Udall Foundation Reauthorization Act of 2023”.

SEC. 2. INVESTMENT EARNINGS.

Section 8(b)(1) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606(b)(1)) is amended by adding at the end the following: “Beginning on October 1, 2023, and thereafter, interest earned from investments made with any new appropriations to the Trust Fund shall only be available subject to appropriations and is authorized to be appropriated to carry out the provisions of this Act.”.

SEC. 3. 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 “2029”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “2023” and inserting “2029”; 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 2025.”.

SEC. 4. AUDIT OF THE FOUNDATION.

Not later than 4 years after the date of enactment of this section, the Inspector General of the Department of the Interior shall complete an audit of the Morris K. Udall and Stewart L. Udall Foundation.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2882), as amended, was passed.