

(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.

**PENSACOLA AND PERDIDO BAYS
ESTUARY OF NATIONAL SIGNIFI-
CANCE ACT OF 2023**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 50 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.
The senior assistant legislative clerk read as follows:

A bill (S. 50) to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to give priority consideration to selecting Pensacola and Perdido Bays as an estuary of national significance, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Rubio substitute amendment at the desk be considered and agreed to and the bill, as amended, be considered read a third time.

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

The amendment (No. 1694) 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 “Pensacola and Perdido Bays Estuary of National Significance Act of 2024”.

SEC. 2. PENSACOLA AND PERDIDO BAYS.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by striking “and Lower Columbia River, Oregon and Washington” and inserting “Lower Columbia River, Oregon and Washington; and Pensacola and Perdido Bays, Florida”.

SEC. 3. INELIGIBILITY WITH RESPECT TO FISCAL YEARS 2024 AND 2025.

With respect to the amendment made by section 2, the Administrator of the Environmental Protection Agency may not use for the implementation of that amendment, including, with respect to Pensacola and Perdido Bays, Florida, convening a management conference, developing or carrying out a comprehensive conservation and management plan, or providing grants under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330)—

(1) any amounts appropriated to carry out the national estuary program under that section for fiscal year 2024; or

(2) unless the total amount appropriated to carry out that program for fiscal year 2025 is at least \$850,000 more than the total amount appropriated to carry out that program for fiscal year 2023, any amounts appropriated to carry out that program for fiscal year 2025.

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

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 50), as amended, was passed.

Mr. SCHUMER. I ask that the motion to reconsider be considered made and laid upon the table.

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

NATIONAL CACFP WEEK

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 587, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 587) designating the third week of March 2024 as “National CACFP Week”.

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions 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 resolution (S. Res. 587) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

**ORDERS FOR THURSDAY, MARCH
14, 2024**

Mr. SCHUMER. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Thursday, March 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session for the consideration of Calendar No. 318, Dennis Hankins, to be Ambassador to the Republic of Haiti; further, that at 12 noon the Senate vote on the confirmation of the Hankins nomination, and that if the nomination is confirmed,

the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate’s action; that upon disposition of the nomination, the Senate resume consideration of the Berner nomination; further, that the cloture motion with respect to the Berner nomination ripen at 1:45 p.m.

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

**ADJOURNMENT UNTIL THURSDAY,
MARCH 14, 2024 AT 10 A.M.**

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Thursday, March 14, 2024, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DEREK C. FRANCE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ERIC E. AUSTIN

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT IN THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED PURSUANT TO THE AUTHORITY OF TITLE 14, U.S.C., SECTION 304:

To be admiral

VICE ADM. KEVIN E. LUNDAY

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12, 2024:

DEPARTMENT OF STATE

SEAN PATRICK MALONEY, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

THE JUDICIARY

MELISSA R. DUBOSE, OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND.

SUNIL R. HARJANI, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

JASMINE HYEJUNG YOON, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA.