

(2) ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available to the Administrator under paragraph (1) shall be used by the Administrator for the administrative costs of carrying out this section.

SEC. 202. ACTIONS UNDER STATE LAW FOR DAMAGES FROM EXPOSURE TO HAZARDOUS SUBSTANCES.

Section 309 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9658) is amended—

(1) in subsection (a)—
(A) in the subsection heading, by inserting “AND STATUTES OF REPOSE” after “LIMITATIONS”;

(B) in paragraph (1)—
(i) in the paragraph heading, by inserting “OF LIMITATIONS” after “STATUTES”; and
(ii) by inserting “statute of” after “applicable”;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

“(2) EXCEPTION TO STATE STATUTES OF REPOSE.—In the case of any action brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility, if the applicable statute of repose period for such action (as specified in the State statute of repose or under common law) provides a commencement date which is earlier than the federally required commencement date, such period shall commence at the federally required commencement date in lieu of the date specified in such State statute.”; and

(E) in paragraph (3) (as so redesignated)—
(i) by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”; and
(ii) by inserting “or statute of repose” after “statute of limitations”; and

(2) in subsection (b)—
(A) in paragraph (2)—

(i) in the paragraph heading, by inserting “STATUTE OF” after “APPLICABLE”; and
(ii) by inserting “statute of” after “applicable”;

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following:

“(3) APPLICABLE STATUTE OF REPOSE PERIOD.—The term ‘applicable statute of repose period’ means the period specified in a statute of repose during which a civil action referred to in subsection (a)(2) may be brought.”;

(D) in paragraph (4) (as so redesignated)—
(i) by inserting “or statute of repose” after “statute of limitations”; and

(ii) by striking “applicable limitations period” and inserting “applicable statute of limitations period or applicable statute of repose period, respectively”; and

(E) in paragraph (5) (as so redesignated)—
(i) in subparagraph (A), by striking “subsection (a)(1)” and inserting “paragraph (1) or (2) of subsection (a)”; and
(ii) in subparagraph (B)—

(i) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(II) in the matter preceding subclause (I) (as so redesignated), by striking “In the case” and inserting the following:

“(i) MINORS AND INCOMPETENTS.—In the case”; and

(III) by adding at the end the following:

“(ii) NEWLY DESIGNATED HAZARDOUS SUBSTANCES.—In the case of a contaminant of emerging concern, pollutant, chemical, waste, or other substance that is designated as a hazardous substance on or after August 1, 2022, the term ‘federally required commencement date’ means the latter of—

“(I) the date on which that contaminant of emerging concern, pollutant, chemical, waste, or other substance is designated as a hazardous substance; and

“(II) the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damages referred to in paragraph (1) or (2) of subsection (a) were caused or contributed to by that contaminant of emerging concern, pollutant, chemical, waste, or other substance.”.

SEC. 203. BANKRUPTCY PROVISION RELATING TO PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS DEFENDANTS AND DEBTORS.

(a) IN GENERAL.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at the end the following:

“SEC. 313. SPECIAL PROVISION RELATING TO PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS DEFENDANTS AND DEBTORS.

“(a) DEFINITIONS.—In this section:

“(1) CLAIM; DEBTOR; ENTITY; PETITION.—The terms ‘claim’, ‘debtor’, ‘entity’, and ‘petition’ have the meanings given those terms in section 101 of title 11, United States Code.

“(2) ESTATE.—The term ‘estate’ means an estate of a debtor described in section 541 of title 11, United States Code.

“(3) NONDEBTOR ENTITY.—The term ‘nondebtor entity’ means an entity that is not a debtor or an estate.

“(4) PBT CLAIM.—The term ‘PBT claim’ means a claim based on, arising from, or attributable to the presence of, or exposure to—

“(A) a perfluoroalkyl or polyfluoroalkyl substance; or

“(B) any persistent, bioaccumulative, and toxic chemical, as designated under section 6(h) of the Toxic Substances Control Act (15 U.S.C. 2605(h)).

“(b) AUTOMATIC STAY.—The filing of a petition does not operate as a stay under section 362(a) of title 11, United States Code, of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against a nondebtor entity, or any act to obtain or recover property of a nondebtor entity, on account of or with respect to a PBT claim against the nondebtor entity, the debtor, or the estate (including a claim or cause of action against the nondebtor entity that is property of the debtor or the estate).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendment made by this section—

(A) shall take effect on the date of enactment of this Act; and

(B) shall apply to any case under title 11, United States Code, that is—

(i) pending as of the date of enactment of this Act; or

(ii) commenced or reopened on or after the date of enactment of this Act.

(2) VALIDITY OF FINAL ORDERS.—Nothing in this section, or the amendment made by this section, shall affect the validity of any final judgment, order, or decree entered before the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 648—PROCLAIMING A DECLARATION OF ENVIRONMENTAL RIGHTS FOR INCARCERATED PEOPLE

Mr. MARKEY submitted the following resolution; which was referred to the Committee on the Judiciary.:

S. RES. 648

Whereas criminal legal systems in the United States are sustaining an incarceration crisis that has put millions of people behind bars, torn families apart, destabilized communities, and allowed others to profit from the mistreatment of human beings;

Whereas, in the United States, almost 2,000,000 people are incarcerated in Federal, State, local, and Tribal prisons and jails, immigration detention facilities, juvenile secure facilities, and treatment and rehabilitation facilities;

Whereas the duration of prison sentences is trending upwards and nearly 57 percent of the Federal and State prison population is now serving a sentence of 10 years or more;

Whereas every year of incarceration in a prison or jail for a person is associated with a 2-year reduction in average life expectancy;

Whereas people incarcerated in prisons and jails are more likely than the general public to have at least 1 preexisting physical or mental health condition or disability, which makes incarcerated people more susceptible to environmental health threats;

Whereas incarceration and systemic patterns of environmental justice violations in the permitting and siting of carceral facilities has greatly increased the exposure of incarcerated people, carceral facility staff, and communities surrounding carceral facilities to toxic and dangerous conditions;

Whereas toxic environments in and around carceral facilities harm the physical, mental, and social well-being of those impacted by incarceration;

Whereas exposure to environmental hazards harms the vitality of incarcerated communities by reducing the availability of programming in carceral facilities;

Whereas the adverse environmental health impacts of incarceration disproportionately harm Black people and other minorities in the United States, including Indigenous, Latino, and LGBTQ+ people, who are more likely to be incarcerated in the United States;

Whereas pregnant, post-natal, and breastfeeding people are at higher risk of adverse health outcomes from exposure to environmental stressors in carceral facilities, yet those people often lack proper medical care or options to minimize exposure to environmental health threats;

Whereas privatized healthcare providers profit from the poisoning of incarcerated populations and often provide incarcerated people with inadequate care;

Whereas nearly 33 percent of Federal and State prisons are located within 3 miles of a federally declared toxic superfund site, which are disproportionately located in or near low-income communities and communities of color;

Whereas people incarcerated in prisons and jails often perform extremely hazardous labor, including electronic waste recycling, forest firefighting, and asbestos removal, without sufficient protection and for meager or no compensation, with the average hourly wage for incarcerated workers being as low as \$0.14 and some incarcerated workers earning no wages at all;

Whereas measurements of heat indices inside prison cells have ranged from below freezing to in excess of 150 degrees Fahrenheit;

Whereas incarcerated people often drink and bathe in water contaminated with lead, arsenic, manganese, harmful bacteria, and other hazardous substances and do not have the same access to safer alternatives as non-incarcerated people;

Whereas poor ventilation in carceral facilities contributes to hazardous air quality,

which in turn leads to psychological distress, cognitive impairment, and the proliferation of infectious respiratory diseases, allergens, and other respiratory issues;

Whereas incarcerated people are commonly confined to spaces where they are exposed to mold, asbestos, and pests;

Whereas the diets of incarcerated people are regularly below standards requisite for good health;

Whereas food safety standards and preparation guidelines are not uniformly enforced and followed in carceral facilities;

Whereas the constant noise and artificial light that is common in prison environments can act as a form of torture that induces progressively severe mental stress and anxiety;

Whereas incarcerated people with little or no access to natural light are more likely to be depressed and engage in harmful behavior that can extend the duration of their incarceration;

Whereas conditions of incarceration should be conducive to rehabilitation;

Whereas the cumulative and chronic health impacts of incarceration can transform short sentences into long-term or life-long punishment; and

Whereas many incarcerated people endure conditions that are cruel, inhumane, unsafe, and not conducive to rehabilitative justice: Now, therefore, be it

Resolved, That the Senate—

(1) declares that incarcerated people have the right to healthy and safe environments, and the right to advocate for protecting and improving their environmental health; and

(2) proclaims this Declaration of Environmental Rights for Incarcerated People, founded on the principles that—

(A) incarcerated people have inherent dignity and personhood;

(B) the right to humane treatment is inviolable and without distinction of any kind, including the nature of a crime committed;

(C) incarcerated people have the right to a healthy environment;

(D) environmental standards in carceral facilities should protect the health of the most vulnerable people with an adequate margin of safety;

(E) disregard and contempt for the environmental health of incarcerated people undermines the pursuit of justice;

(F) the right of incarcerated people to a healthy environment should be universally recognized and protected by law;

(G) legal remedies for inhumane conditions should be universally available to incarcerated people and their advocates, without hindrance or delay, in courts of law;

(H) incarcerated people have the right to, and should be proactively supplied with, information and education regarding exposure pathways to environmental hazards in the facilities in which they are incarcerated;

(I) incarcerated people have the right to discuss the environmental health conditions of carceral facilities among themselves;

(J) incarcerated people have the right to advocate, without fear or threat of retaliation, to protect and improve their environmental health;

(K) incarcerated people have the right to refuse to work or labor in unsafe or hazardous conditions, and have the right to receive alternative work opportunities, without threat of retaliation or impact on release decisions; and

(L) decarceration should serve as a principal strategy to reduce the environmental health harms of criminal legal systems; and

(3) supports efforts to enact legislation guided by the principles described in paragraph (2).

SENATE RESOLUTION 649—RAISING AWARENESS OF LAKE STURGEON (ACIPENSER FULVESCENS)

Mr. WELCH submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 649

Whereas lake sturgeon are one of the largest North American freshwater fish and can live for 150 years or longer;

Whereas lake sturgeon are considered living fossils, as their lineage dates back to the time of dinosaurs, making them one of the oldest fish species still in existence;

Whereas lake sturgeon are slow to reproduce as they may not spawn until they are 15 to 25 years old and they only spawn every 4 years on average;

Whereas lake sturgeon are found across the Great Lakes, northeastern United States, and southeastern Canada;

Whereas lake sturgeon are bottom-dwelling fish that require extensive areas of shallow water to feed on a wide variety of organisms;

Whereas historical overfishing, invasive species, and habitat degradation have caused declines in the population of local lake sturgeon;

Whereas many States list lake sturgeon as an endangered, threatened, or otherwise protected species;

Whereas lake sturgeon serve an important role as an indicator of ecosystem health;

Whereas lake sturgeon attract the attention of the public because of their large size and prehistoric body;

Whereas many Federal agencies, States, Tribes, and local communities are collaborating on lake sturgeon management programs that are reestablishing healthy lake sturgeon populations; and

Whereas lake sturgeon have cultural importance for many indigenous communities, representing a traditional food source: Now, therefore, be it

Resolved, That the Senate encourages—

(1) continued collaboration among Federal, State, Tribal, and other partners to manage and increase lake sturgeon populations across their extensive range;

(2) continued efforts to identify, protect, and restore the habitat of lake sturgeon;

(3) continued efforts to prevent and control invasive species and restore the reproductive habitat of lake sturgeon;

(4) increased public awareness of lake sturgeon; and

(5) education of anglers and local communities on the proper ways to handle lake sturgeon if accidentally caught.

SENATE RESOLUTION 650—RECOGNIZING THE ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES NAVAL CONSTRUCTION FORCE, KNOWN AS THE “SEABEES”, AND THE TREMENDOUS SACRIFICES AND CONTRIBUTIONS BY THE SEABEES WHO HAVE FOUGHT AND SERVED ON BEHALF OF OUR COUNTRY

Mr. WHITEHOUSE (for himself, Mr. WICKER, Mr. REED, and Mrs. HYDE-SMITH) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 650

Whereas, on January 5, 1942, the first United States Naval Construction units were authorized by the Department of the Navy;

Whereas, on March 5, 1942, the United States Naval Construction Force (referred to in this preamble as “Seabees”) was granted official permission by the Navy to use the name “Seabees”;

Whereas, in 1942, Frank J. Iafrate, a native of North Providence, Rhode Island, who later joined the Seabees as a Chief Carpenter's Mate, designed the “Fighting Bee” logo that is still used by the Seabees in 2024;

Whereas, for more than 80 years, the Seabees have built bases, airfields, roads, bridges, fueling stations, and other infrastructure, both on land and underwater, in support of the Navy and Marine Corps;

Whereas the motto of the Seabees, “Construimus, Batuimus”, Latin for “We Build, We Fight”, reflects the indispensable dual role of the Seabees in building critical warfighting infrastructure and defending the United States in combat;

Whereas the ingenuity, improvisation, and entrepreneurial spirit of the Seabees has given the Armed Forces a strategic advantage and contributed to countless successes on the battlefield for the United States since World War II;

Whereas the Seabees have served as goodwill ambassadors across the globe, performing humanitarian and civic action projects to—

(1) improve access to sanitation, drinking water, and utilities;

(2) build schools, hospitals, and roads; and

(3) provide emergency relief in the aftermath of major disasters;

Whereas, with courage, creativity, and a “can-do” attitude, the Seabees have helped to build both critical infrastructure and valued friendships around the world; and

Whereas March 5, 2024, is the 82nd anniversary of the establishment of the Seabees: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and expresses thanks for the thousands of members of the United States Naval Construction Force (referred to in this resolution as “Seabees”) who, through ingenuity, strength, courage, and perseverance, have protected the United States and improved the lives of countless people in the United States and around the world;

(2) honors the courage and sacrifices of those members of the Seabees who have perished in defense of the United States;

(3) expresses unending gratitude for the many sacrifices made by the families of members of the Seabees; and

(4) proudly recognizes the 82nd anniversary of the establishment of the Seabees.

SENATE RESOLUTION 651—DESIGNATING APRIL 2024 AS “PRESERVING AND PROTECTING LOCAL NEWS MONTH” AND RECOGNIZING THE IMPORTANCE AND SIGNIFICANCE OF LOCAL NEWS

Mr. SCHATZ (for himself, Mr. FETTERMAN, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. PADILLA, Mr. WELCH, Ms. KLOBUCHAR, Mr. WYDEN, Mr. DURBIN, Mr. WARNER, Mr. KELLY, Mr. KING, and Ms. BUTLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 651

Whereas the United States was founded on the principle of freedom of the press enshrined in the First Amendment to the Constitution of the United States, which declares that “Congress shall make no law . . . abridging the freedom of speech, or of the press . . .”;