

118TH CONGRESS
2D SESSION

S. 4180

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to allow for brownfield revitalization funding eligibility for Alaska Native Tribes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2024

Mr. SULLIVAN (for himself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to allow for brownfield revitalization funding eligibility for Alaska Native Tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Contaminated Lands
5 Reclamation Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) ALASKA NATIVE CORPORATION.—The term
5 “Alaska Native Corporation” has the meaning given
6 the term “Native Corporation” in section 3 of the
7 Alaska Native Claims Settlement Act (43 U.S.C.
8 1602).

9 (3) ANCSA LAND.—The term “ANCSA land”
10 means land that—

11 (A) is or was contaminated land at the
12 time of conveyance pursuant to the Alaska Na-
13 tive Claims Settlement Act (43 U.S.C. 1601 et
14 seq.); and

15 (B) was conveyed pursuant to the Alaska
16 Native Claims Settlement Act (43 U.S.C. 1601
17 et seq.) to an Alaska Native Corporation or In-
18 dian Tribe, including—

19 (i) land reconveyed by an Alaska Na-
20 tive Corporation—

21 (I) to a settlement trust pursuant
22 to section 39 of that Act (43 U.S.C.
23 1629e); or

24 (II) pursuant to other applicable
25 law;

1 (ii) land conveyed to an Alaska Native
2 Corporation pursuant to an exchange au-
3 thorized by—

4 (I) section 22(f) of that Act (43
5 U.S.C. 1621(f));

6 (II) section 3192(h) of the Alas-
7 ka National Interest Lands Conserva-
8 tion Act (16 U.S.C. 3192(h)); or

9 (III) other applicable law; or

10 (iii) land conveyed by an Alaska Na-
11 tive Corporation to a successor in interest
12 to which the lands were conveyed under
13 section 14(c) of the Alaska Native Claims
14 Settlement Act (43 U.S.C. 1613(c)).

15 (4) COMPENSATORY MITIGATION.—

16 (A) IN GENERAL.—The term “compen-
17 satory mitigation”, for the purposes of remedi-
18 ating eligible land, means—

19 (i) restoration, including reestablish-
20 ment or rehabilitation;

21 (ii) establishment, including creation;

22 (iii) enhancement; and

23 (iv) in certain circumstances, as deter-
24 mined by the Secretary, the preservation of
25 eligible land.

1 (B) INCLUSIONS.—The term “compen-
2 satory mitigation” includes—

3 (i) on-site permittee-responsible miti-
4 gation;

5 (ii) off-site permittee-responsible miti-
6 gation; and

7 (iii) in-leu fee mitigation.

8 (5) CONTAMINATED LAND.—The term “con-
9 taminated land” means land, including ANCSA land
10 and Indian land, contaminated by—

11 (A) petroleum;

12 (B) a petroleum-based product;

13 (C) a hazardous substance (as is defined in
14 section 101 of the Comprehensive Environ-
15 mental Response, Compensation, and Liability
16 Act of 1980 (42 U.S.C. 9601)); or

17 (D) any other pollutant or contaminant (as
18 is defined in section 101 of the Comprehensive
19 Environmental Response, Compensation, and
20 Liability Act of 1980 (42 U.S.C. 9601)).

21 (6) CREDIT.—

22 (A) IN GENERAL.—The term “credit”
23 means a unit of measure (such as a functional
24 or areal measure or other suitable metric) that
25 represents the accrual or attainment of the

1 functions associated with the restoration, estab-
2 lishment, enhancement, or preservation of re-
3 sources at a compensatory mitigation site, with
4 no change in the size of the area of the compen-
5 satory mitigation site.

6 (B) GENERATING MITIGATION CREDIT.—
7 Remediation of contaminated sites is an appro-
8 priate means of generating mitigation credit
9 when the removal of hazardous substances, pol-
10 lutants, or contaminants restores or enhances
11 aquatic resource functions on ANCSA land or
12 Indian land.

13 (7) INDIAN.—The term “Indian” has the mean-
14 ing given the term in section 4 of the Indian Self
15 Determination and Education Assistance Act (25
16 U.S.C. 5304).

17 (8) INDIAN LAND.—The term “Indian land”
18 means land that—

19 (A) is held in trust by the United States
20 for an Indian Tribe; or

21 (B) is owned by an Indian or Indian Tribe
22 and is subject to restrictions against alienation.

23 (9) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term in section 4 of the

1 Indian Self Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (10) SECRETARY.—The term “Secretary”
4 means the Secretary of the Army, acting through
5 the Chief of Engineers.

6 **SEC. 3. DEPARTMENT OF THE INTERIOR RESPONSIBILITIES**
7 **FOR ALASKA NATIVE CLAIMS SETTLEMENT**
8 **ACT CONTAMINATED LANDS.**

9 (a) CONGRESSIONAL FINDINGS.—Congress finds
10 that—

11 (1) for more than 50 years after the Alaska
12 Native Claims Settlement Act (43 U.S.C. 1601 et
13 seq.) was enacted, Alaska Native Peoples and their
14 communities continue to face obstacles in the pur-
15 suit of self-determination, resulting in ongoing eco-
16 nomic, social, and cultural instability due to the con-
17 tamination of lands conveyed to them by the Federal
18 Government pursuant to that Act;

19 (2) in 1971, the Secretary of the Interior failed
20 to identify and remediate 44,000,000 acres of land
21 conveyed to Alaska Natives pursuant to the Alaska
22 Native Claims Settlement Act (43 U.S.C. 1601 et
23 seq.);

24 (3) in 1990, Congress directed the Secretary of
25 the Interior to submit a report identifying lands and

1 properties transferred to Alaska Native Corporations
2 pursuant to the Alaska Native Claims Settlement
3 Act (43 U.S.C. 1601 et seq.) that at the time of
4 transfer were represented or disclosed by the Fed-
5 eral Government as being free from contaminants,
6 and which subsequently were discovered to be con-
7 taminated;

8 (4) the Secretary of the Interior never sub-
9 mitted the report described under paragraph (3);

10 (5) in 1995, Congress amended the Alaska Na-
11 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
12 by adding section 40 to that Act (43 U.S.C. 1629f),
13 which directed the Secretary of the Interior to sub-
14 mit a report addressing issues resulting from the
15 presence of contaminants on lands conveyed or
16 prioritized for conveyance to Alaska Native Corpora-
17 tions under that Act;

18 (6) in 1998, the Secretary of the Interior re-
19 sponded to the directive from Congress described in
20 paragraph (5) by submitting to Congress a report
21 entitled “Hazardous Substance Contamination of
22 Alaska Native Claims Settlement Act Lands in Alas-
23 ka”, the findings of which Congress recognizes, in-
24 cluding that the United States conveyed numerous
25 contaminated lands to Alaska Native Corporations

1 pursuant to the Alaska Native Claims Settlement
2 Act (43 U.S.C. 1601 et seq.) for the settlement of
3 aboriginal land claims;

4 (7) in 2014, in the joint explanatory statement
5 for the Department of the Interior, Environment,
6 and Related Agencies accompanying the Consoli-
7 dated and Further Continuing Appropriations Act,
8 2015 (Public Law 113–235; 128 Stat. 2130), Con-
9 gress directed the Secretary of the Interior—

10 (A) to provide an update on the inventory
11 of contaminated sites conveyed pursuant to the
12 Alaska Native Claims Settlement Act (43
13 U.S.C. 1601 et seq.), including sites identified
14 subsequent to the 1998 report described in
15 paragraph (6);

16 (B) to provide an updated status on the 6
17 duties listed in the 1998 report described in
18 paragraph (6); and

19 (C) to provide a detailed plan on how the
20 Department of the Interior intended to com-
21 plete a cleanup of each contaminated site con-
22 veyed pursuant to the Alaska Native Claims
23 Settlement Act (43 U.S.C. 1601 et seq.);

24 (8) in 2016, the Secretary of the Interior up-
25 dated the report described in paragraph (6), the up-

1 dated findings of which Congress recognizes, includ-
2 ing that 920 contaminated land sites were conveyed
3 to Alaska Native Corporations pursuant to the Alas-
4 ka Native Claims Settlement Act (43 U.S.C. 1601 et
5 seq.);

6 (9) the full number of currently contaminated
7 lands that were contaminated at the time of convey-
8 ance pursuant to the Alaska Native Claims Settle-
9 ment Act (43 U.S.C. 1601 et seq.) is unknown;

10 (10) it is not, and never was, the intent of Con-
11 gress to convey lands that would still be contami-
12 nated in 2024 to Alaska Native Corporations for the
13 settlement of aboriginal land claims in 1971;

14 (11) there is an immediate need to address the
15 environmental and health risks to Alaska Native
16 Peoples due to the United States conveying contami-
17 nated lands and lands at risk for contamination to
18 Alaska Native Corporations; and

19 (12) addressing the environmental and health
20 risks to Alaska Native Peoples due to the convey-
21 ance of contaminated lands by the United States to
22 Alaska Native Peoples should be done rapidly, with
23 certainty, without litigation, and in conformity with
24 the real economic, social, and cultural needs of Alas-
25 ka Native communities.

1 (b) DUTIES OF THE SECRETARY OF THE INTE-
2 RIOR.—Not later than 180 days after the date of enact-
3 ment of this Act, the Secretary of the Interior shall—

4 (1) perform the duties established in the 2016
5 update to the Department of the Interior 1998 re-
6 port entitled “Hazardous Substance Contamination
7 of Alaska Native Claims Settlement Act Lands in
8 Alaska”; and

9 (2) develop a cleanup plan for ANCSA land.

10 (c) REPORT TO CONGRESS.—Not later than 180 days
11 after the date of enactment of this Act, and each year
12 thereafter for a period of 10 years, the Secretary of the
13 Interior shall submit to Congress a report that describes
14 the status of the performance of the duties required under
15 subsection (b).

16 **SEC. 4. BROWNFIELD REVITALIZATION FUNDING ELIGI-**
17 **BILITY.**

18 (a) ALASKA NATIVE ELIGIBILITY.—Section
19 104(k)(1) of the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980 (42 U.S.C.
21 9604(k)(1)) is amended—

22 (1) in subparagraph (G), by striking “other
23 than in Alaska”; and

1 (2) in subparagraph (H), by striking “and fol-
 2 lowing) and the Metlakatla Indian community” and
 3 inserting “et seq.)”.

4 (b) GRANTS AND LOANS FOR BROWNFIELD REMEDI-
 5 ATION.—Section 104(k)(3)(A)(ii) of the Comprehensive
 6 Environmental Response, Compensation, and Liability Act
 7 of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by
 8 striking “\$500,000 for each site” and all that follows
 9 through the period at the end and inserting “\$1,000,000
 10 for each site to be remediated.”.

11 **SEC. 5. ALASKA NATIVE CLAIMS SETTLEMENT ACT CON-**
 12 **VEYED LAND GRANT PROGRAM.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE CONTAMINANT.—The term “eligi-
 15 ble contaminant” means—

16 (A) solid waste (as defined section 1004 of
 17 the Solid Waste Disposal Act (42 U.S.C.
 18 6903));

19 (B) a hazardous substance (as defined in
 20 section 101 of the Comprehensive Environ-
 21 mental Response, Compensation, and Liability
 22 Act of 1980 (42 U.S.C. 9601));

23 (C) a pollutant or contaminant (as defined
 24 in section 101 of the Comprehensive Environ-

1 mental Response, Compensation, and Liability
2 Act of 1980 (42 U.S.C. 9601)); and

3 (D) petroleum, including—

4 (i) crude oil or any fraction thereof;

5 and

6 (ii) any other petroleum product ex-
7 cluded from the definition of “hazardous
8 substance” in section 101 of the Com-
9 prehensive Environmental Response, Com-
10 pensation, and Liability Act of 1980 (42
11 U.S.C. 9601).

12 (2) ELIGIBLE RECIPIENT.—The term “eligible
13 recipient” means—

14 (A) a Regional Corporation (as defined in
15 section 3 of the Alaska Native Claims Settle-
16 ment Act (43 U.S.C. 1602));

17 (B) a Village Corporation (as defined in
18 section 3 of the Alaska Native Claims Settle-
19 ment Act (43 U.S.C. 1602));

20 (C) an Indian Tribe in the State of Alaska;

21 (D) an Alaska Native nonprofit organiza-
22 tion;

23 (E) an Alaska Native nonprofit associa-
24 tion; and

1 (F) an intertribal consortium (as defined
2 in section 35.502 of title 40, Code of Federal
3 Regulations (or successor regulations)), that
4 meets the requirements described in subsections
5 (a) and (c) of section 35.504 of that title.

6 (b) GRANT PROGRAM.—

7 (1) IN GENERAL.—The Administrator, acting
8 through the Regional Administrator for Region 10
9 (referred to in this subsection as the “Adminis-
10 trator”), may provide grants to eligible recipients to
11 address contamination by eligible contaminants on
12 ANCSA land that—

13 (A) subject to paragraph (4), is or was
14 contaminated by an eligible contaminant at the
15 time of conveyance pursuant to the Alaska Na-
16 tive Claims Settlement Act (43 U.S.C. 1601 et
17 seq.); and

18 (B) is on an inventory of that land main-
19 tained by the Environmental Protection Agency.

20 (2) SUPPLEMENT.—An eligible recipient may
21 use a grant awarded under this subsection to supple-
22 ment other funds provided by the Environmental
23 Protection Agency or any other Federal agency for
24 identical or similar purposes to the purposes de-

1 scribed in paragraph (1), in accordance with such
2 conditions as the Administrator may establish.

3 (3) USE OF FUNDS.—Subject to such conditions
4 as the Administrator may establish, an eligible re-
5 cipient may use a grant awarded under this sub-
6 section to address contamination by eligible contami-
7 nants on ANCSA land through planning, assess-
8 ment, remediation, and activities necessary to pre-
9 pare the land for reuse.

10 (4) WAIVER.—

11 (A) IN GENERAL.—The Administrator may
12 waive the requirement described in paragraph
13 (1)(A) if the owner of the land at the time a
14 grant is awarded under this subsection did not
15 cause or contribute to the contamination on the
16 land.

17 (B) EFFECT OF WAIVER.—Land with re-
18 spect to which a waiver is provided under sub-
19 paragraph (A) shall be eligible for a grant
20 under this subsection if the land was contami-
21 nated by an eligible contaminant after the time
22 of conveyance of the land pursuant to the Alas-
23 ka Native Claims Settlement Act (43 U.S.C.
24 1601 et seq.).

1 (5) PRIORITIES.—In awarding grants under
2 this subsection, the Administrator shall give priority
3 to ANCSA land with respect to which—

4 (A) the contamination by eligible contami-
5 nants presents an imminent and substantial
6 risk to human health or the environment, re-
7 gardless of the specific circumstances that cre-
8 ated the risk; or

9 (B) the Federal Government caused or
10 contributed to the contamination by eligible
11 contaminants prior to the conveyance of the
12 land pursuant to the Alaska Native Claims Set-
13 tlement Act (43 U.S.C. 1601 et seq.).

14 (6) INELIGIBILITY OF CERTAIN LAND.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Administrator shall not
17 award a grant under this subsection for land
18 with respect to which the Administrator deter-
19 mines a financially viable non-Federal party (or
20 successors to such a party) or an affiliate of
21 such a party is primarily responsible for the
22 contamination by eligible contaminants.

23 (B) EXCEPTION.—Subparagraph (A) shall
24 not apply to land described in paragraph
25 (5)(A).

1 (7) FUNDING.—

2 (A) AUTHORIZATION OF APPROPRIA-
3 TIONS.—There is authorized to be appropriated
4 to carry out this subsection \$35,000,000 for
5 each of fiscal years 2025 through 2030, to re-
6 main available until expended.

7 (B) RESERVATION.—The Administrator
8 may reserve up to 10 percent of the amount ap-
9 propriated to carry out this subsection for sala-
10 ries, expenses, and administration.

11 (C) PROHIBITION.—No funds appropriated
12 to carry out section 104(k) of the Comprehen-
13 sive Environmental Response, Compensation,
14 and Liability Act of 1980 (42 U.S.C. 9604(k))
15 may be used to carry out this subsection.

16 (c) BROWNFIELDS PROGRAM FUNDING.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, an eligible recipient may use fund-
19 ing provided under paragraphs (2)(A)(i), (3), and
20 (4) of section 104(k) of the Comprehensive Environ-
21 mental Response, Compensation, and Liability Act
22 of 1980 (42 U.S.C. 9604(k)) to address contamina-
23 tion on ANCSA land that—

24 (A) subject to paragraph (2), is or was
25 contaminated by an eligible contaminant at the

1 time of conveyance pursuant to the Alaska Na-
2 tive Claims Settlement Act (43 U.S.C. 1601 et
3 seq.); and

4 (B) is on an inventory of that land main-
5 tained by the Environmental Protection Agency.

6 (2) WAIVER.—

7 (A) IN GENERAL.—The Administrator may
8 waive the requirement described in paragraph
9 (1)(A) if the owner of the land at the time
10 funding described in paragraph (1) is provided
11 did not cause or contribute to the contamina-
12 tion on the land.

13 (B) EFFECT OF WAIVER.—Land with re-
14 spect to which a waiver is provided under sub-
15 paragraph (A) shall be eligible to use funding
16 for the purpose described in paragraph (1) if
17 the land was contaminated by an eligible con-
18 taminant after the time of conveyance of the
19 land pursuant to the Alaska Native Claims Set-
20 tlement Act (43 U.S.C. 1601 et seq.).

21 (d) GUIDANCE.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of enactment of this Act, the Administrator
24 shall update guidance relating to eligibility for
25 brownfields funding under section 104(k) of the

1 Comprehensive Environmental Response, Compensa-
 2 tion, and Liability Act of 1980 (42 U.S.C. 9604(k))
 3 for land described in paragraph (2) to provide that
 4 the Federal Government shall not be considered a
 5 viable responsible party.

6 (2) LAND DESCRIBED.—The land referred to in
 7 paragraph (1) is ANCSA land that—

8 (A) contains contamination by a contami-
 9 nant described in subsection (a)(1)(D) that the
 10 Federal Government caused or contributed to
 11 prior to conveyance pursuant to the Alaska Na-
 12 tive Claims Settlement Act (43 U.S.C. 1601 et
 13 seq.); and

14 (B) is on an inventory of that land main-
 15 tained by the Environmental Protection Agency.

16 (3) CESSATION OF EFFECTIVENESS.—The up-
 17 date to the guidance required under paragraph (1)
 18 shall cease to be effective on the date on which fund-
 19 ing made available for the program under subsection
 20 (b) through fiscal year 2030 is fully obligated.

21 **SEC. 6. AUTHORIZATION OR CONTAMINATED LAND REME-**
 22 **DIATION IN COMPENSATORY MITIGATION**
 23 **PROGRAMS.**

24 (a) REMEDIATION OF CONTAMINATED LANDS.—The
 25 Secretary shall allow a person who has been issued a per-

1 mit for the discharge of dredged or fill material under sec-
2 tion 404 of the Federal Water Pollution Control Act (33
3 U.S.C. 1344) to enter into an agreement with an Indian
4 Tribe to remediate ANCSA land or Indian land for the
5 purpose of compensatory mitigation for a permitted activ-
6 ity.

7 (b) REGULATIONS.—Not later than 180 days after
8 the date of enactment of this Act, the Secretary and Ad-
9 ministrator shall jointly promulgate regulations and issue
10 guidance, as necessary, to establish performance stand-
11 ards and criteria for determining credits generated
12 through the remediation of contamination under this sec-
13 tion on ANCSA land or Indian land that—

14 (1) maximize opportunities for mitigation;

15 (2) provide flexibility for regional variations in
16 conditions, functions, and values;

17 (3) apply equivalent standards and criteria to
18 each type of compensatory mitigation;

19 (4) include procedures for consulting with eligi-
20 ble entities; and

21 (5) provide that decontamination undertaken to
22 generate credits must be done in compliance with
23 applicable Federal and State standards and applica-
24 ble Federal or State cleanup programs authorized
25 under section 104 of the Comprehensive Environ-

1 mental Response, Compensation, and Liability Act
2 of 1980 (42 U.S.C. 9604).

3 **SEC. 7. TRIBAL PROJECT IMPLEMENTATION PILOT PRO-**
4 **GRAM.**

5 (a) DEFINITION OF ELIGIBLE PROJECT.—In this
6 section, the term “eligible project” includes siting, design,
7 engineering, and construction work for—

8 (1) a project of the Secretary authorized for
9 construction;

10 (2) a project carried out under a continuing au-
11 thority program (as defined in section
12 7001(c)(1)(D)(iii) of the Water Resources Reform
13 and Development Act of 2014 (33 U.S.C.
14 2282d(c)(1)(D)(iii)));

15 (3) a project or activity eligible to be carried
16 out under the Tribal partnership program under sec-
17 tion 203 of the Water Resources Development Act
18 of 2000 (33 U.S.C. 2269); and

19 (4) a project carried out under section 219 of
20 the Water Resources Development Act of 1992 (106
21 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 136
22 Stat. 3808).

23 (b) AUTHORIZATION.—Not later than 120 days after
24 the date of enactment of this Act, the Secretary shall es-

1 tablish and implement a pilot program under which Indian
2 Tribes may directly carry out eligible projects.

3 (c) ADMINISTRATION.—

4 (1) IN GENERAL.—In carrying out the pilot
5 program under this section, the Secretary shall—

6 (A) identify not less than 5 eligible
7 projects, including, in each of fiscal years 2025
8 and 2026—

9 (i) not less than 1 eligible project in
10 the South Pacific Division of the Corps of
11 Engineers; and

12 (ii) not less than 1 eligible project in
13 the Pacific Ocean Division of the Corps of
14 Engineers;

15 (B) notify the Committee on Environment
16 and Public Works of the Senate and the Com-
17 mittee on Transportation and Infrastructure of
18 the House of Representatives on the identifica-
19 tion of each eligible project under the pilot pro-
20 gram under this section;

21 (C) in collaboration with the Indian Tribe,
22 develop a detailed project management plan for
23 each identified eligible project that outlines the
24 scope, budget, design, and construction resource
25 requirements necessary for the Indian Tribe to

1 execute the project or a separable element of
2 the eligible project;

3 (D) on the request of the Indian Tribe and
4 in accordance with subsection (e)(3), enter into
5 a project partnership agreement with the In-
6 dian Tribe for the Indian Tribe to provide full
7 project management control for construction of
8 the eligible project, or a separable element of
9 the eligible project, in accordance with plans
10 approved by the Secretary;

11 (E) following execution of the project part-
12 nership agreement, transfer to the Indian Tribe
13 to carry out construction of the eligible project,
14 or a separable element of the eligible project—

15 (i) if applicable, the balance of the un-
16 obligated amounts appropriated for the eli-
17 gible project, except that the Secretary
18 shall retain sufficient amounts for the
19 Corps of Engineers to carry out any re-
20 sponsibilities of the Corps of Engineers re-
21 lating to the eligible project and the pilot
22 program under this section; and

23 (ii) additional amounts, as determined
24 by the Secretary, from amounts made
25 available to carry out this section, except

1 that the total amount transferred to the
2 Indian Tribe shall not exceed the updated
3 estimate of the Federal share of the cost of
4 construction, including any required de-
5 sign; and

6 (F) regularly monitor and audit each eligi-
7 ble project being constructed by an Indian
8 Tribe under this section to ensure that the con-
9 struction activities are carried out in compli-
10 ance with the plans approved by the Secretary
11 and that the construction costs are reasonable.

12 (2) DETAILED PROJECT SCHEDULE.—Not later
13 than 180 days after entering into an agreement
14 under paragraph (1)(D), each Indian Tribe, to the
15 maximum extent practicable, shall submit to the
16 Secretary a detailed project schedule, based on esti-
17 mated funding levels, that lists all deadlines for each
18 milestone in the construction of the eligible project.

19 (3) TECHNICAL ASSISTANCE.—On the request
20 of an Indian Tribe, the Secretary may provide tech-
21 nical assistance to the Indian Tribe relating to—

22 (A) any study, engineering activity, design,
23 or construction activity carried out by the In-
24 dian Tribe under this section; and

1 (B) expeditiously obtaining any permits
2 necessary for the eligible project.

3 (d) COST SHARE.—Nothing in this section affects the
4 cost-sharing requirement applicable on the day before the
5 date of enactment of this Act to an eligible project carried
6 out under this section.

7 (e) IMPLEMENTATION GUIDANCE.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of enactment of this Act, the Secretary
10 shall issue guidance for the implementation of the
11 pilot program under this section that, to the extent
12 practicable, identifies—

13 (A) the metrics for measuring the success
14 of the pilot program; and

15 (B) the laws and regulations that an In-
16 dian Tribe must follow in carrying out an eligi-
17 ble project under the pilot program.

18 (2) MONITORING.—The Secretary shall monitor
19 the progress of each Indian Tribe participating in
20 the pilot program under this section to ensure that,
21 in siting, designing, engineering, or constructing an
22 eligible project, the Indian Tribe—

23 (A) is complying with all applicable laws
24 and regulations, including any requirements

1 that would apply if the Secretary was carrying
2 out the project; and

3 (B) is meeting the standards of the Corps
4 of Engineers for design and quality.

5 (3) NEW PROJECT PARTNERSHIP AGREE-
6 MENTS.—The Secretary may not enter into a project
7 partnership agreement under this section until the
8 date on which the Secretary issues guidance under
9 paragraph (1).

10 (f) REPORT.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, the Secretary
13 shall submit to the Committee on Environment and
14 Public Works of the Senate and the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives and make publicly available a report
17 detailing the results of the pilot program under this
18 section, including—

19 (A) a description of the progress of Indian
20 Tribes in meeting milestones in detailed project
21 schedules developed pursuant to subsection
22 (c)(2); and

23 (B) any recommendations of the Secretary
24 concerning whether the pilot program or any

1 component of the pilot program should be im-
2 plemented on a national basis.

3 (2) UPDATE.—Not later than 5 years after the
4 date of enactment of this Act, the Secretary shall
5 submit to the Committee on Environment and Pub-
6 lic Works of the Senate and the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives an update to the report under para-
9 graph (1).

10 (3) FAILURE TO MEET DEADLINE.—If the Sec-
11 retary fails to submit a report by the required dead-
12 line under this subsection, the Secretary shall sub-
13 mit to the Committee on Environment and Public
14 Works of the Senate and the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives a detailed explanation of why the dead-
17 line was missed and a projected date for submission
18 of the report.

19 (g) ADMINISTRATION.—All laws and regulations that
20 would apply to the Secretary if the Secretary were car-
21 rying out the eligible project shall apply to an Indian Tribe
22 carrying out an eligible project under this section.

23 (h) TERMINATION OF AUTHORITY.—The authority to
24 commence an eligible project under this section terminates

1 on the date that is 5 years after the date of enactment
2 of this Act.

3 (i) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
4 tion to any amounts appropriated for a specific eligible
5 project, there is authorized to be appropriated to the Sec-
6 retary to carry out this section, including the costs of ad-
7 ministration of the Secretary, \$15,000,000 for each of fis-
8 cal years 2025 through 2029.

9 **SEC. 8. REPORT ON REMEDIATION OF CONTAMINATED**
10 **ANCSA LAND.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Administrator, in consultation with the
13 Secretary, Secretary of the Interior, and other Federal
14 agencies, as the Secretary determines to be appropriate,
15 shall submit to Congress a report that describes—

16 (1) the status of remediating ANCSA land pur-
17 suant to this Act; and

18 (2) recommendations on what additional au-
19 thorities are needed to identify and remediate
20 ANCSA land.

21 **SEC. 9. RULE OF CONSTRUCTION.**

22 Nothing in this Act or an amendment made by this
23 Act conflicts with the requirements of any existing pro-

- 1 gram established for the purpose of remediating ANCSA
- 2 land or Indian land.

