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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to brownfields revitalization funding, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to brownfields revitalization funding, 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 “Brownfields Revitaliza-
5 tion for a Better Tomorrow Act”.

1 **SEC. 2. BROWNFIELDS REVITALIZATION FUNDING.**

2 (a) DEFINITION OF ELIGIBLE ENTITY.—Section
3 104(k)(1)(I) of the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of 1980 (42
5 U.S.C. 9604(k)(1)(I)) is amended by inserting “or
6 501(c)(6)” after “section 501(c)(3)”.

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

14 (c) MULTIPURPOSE BROWNFIELDS GRANTS.—Sec-
15 tion 104(k)(4)(B) of the Comprehensive Environmental
16 Response, Compensation, and Liability Act of 1980 (42
17 U.S.C. 9604(k)(4)(B)) is amended by striking
18 “\$1,000,000” and inserting “\$2,000,000”.

19 (d) GENERAL PROVISIONS.—Section 104(k)(5) of the
20 Comprehensive Environmental Response, Compensation,
21 and Liability Act of 1980 (42 U.S.C. 9604(k)(5)) is
22 amended—

23 (1) in subparagraph (A), by amending clause (i)
24 to read as follows:

25 “(i) BROWNFIELD SITE CHARACTER-
26 IZATION AND ASSESSMENT.—A grant

1 under paragraph (2) may be awarded to an
2 eligible entity on a community-wide or site-
3 by-site basis, and shall not exceed, for any
4 individual brownfield site covered by the
5 grant, \$500,000.”; and

6 (2) by adding at the end the following:

7 “(F) DEMOLITION.—A recipient of a grant
8 or loan under paragraph (2), (3), or (4) may
9 use up to 10 percent of the amounts made
10 available under the grant or loan for demolition
11 activities as needed to carry out the purpose for
12 which the grant or loan was provided, subject
13 to the approval of the Administrator.”.

14 (e) RANKING CRITERIA.—Section 104(k)(6)(C) of
15 the Comprehensive Environmental Response, Compensa-
16 tion, and Liability Act of 1980 (42 U.S.C. 9604(k)(6)(C))
17 is amended by adding at the end the following:

18 “(xiii) The extent to which a grant
19 would facilitate the redevelopment and
20 reuse of a brownfield site located in whole
21 or in part on a former military installation.

22 “(xiv) The extent to which a grant
23 could facilitate the remediation and reuse
24 of a brownfield site for any activity de-
25 scribed in the matter preceding clause (i)

1 of section 41001(6)(A) of the FAST Act
2 (regardless of whether the activity is de-
3 scribed in any of clauses (i) through (iv) of
4 such section).”.

5 (f) IMPLEMENTATION OF BROWNFIELDS PRO-
6 GRAMS.—Section 104(k)(7) of the Comprehensive Envi-
7 ronmental Response, Compensation, and Liability Act of
8 1980 (42 U.S.C. 9604(k)(7)) is amended—

9 (1) in subparagraph (A)—

10 (A) by striking “The Administrator may
11 provide” and inserting the following: “The Ad-
12 ministrator—

13 “(i) may provide”;

14 (B) by striking the period at the end and
15 inserting “; and”; and

16 (C) by adding at the end the following:

17 “(ii) shall provide, on a noncompeti-
18 tive basis, one grant to a covered entity in
19 each of fiscal years 2028 and 2029, which
20 grant shall be used to provide technical as-
21 sistance to five covered applicants, selected
22 by the Administrator, for purposes of ap-
23 plying for a grant under this subsection for
24 activities to be carried out in a small com-
25 munity.”; and

1 (2) by adding at the end the following:

2 “(C) DEFINITIONS.—In this paragraph:

3 “(i) COVERED APPLICANT.—The term
4 ‘covered applicant’ means an eligible enti-
5 ty—

6 “(I) that applied for, but did not
7 receive, a grant under this subsection
8 in the fiscal year immediately pre-
9 ceding the fiscal year for which the
10 Administrator is selecting covered ap-
11 plicants under subparagraph (A)(ii)
12 for activities to be carried out in a
13 small community; and

14 “(II) for which the provision of
15 technical assistance under this para-
16 graph would help secure a grant
17 under this subsection.

18 “(ii) COVERED ENTITY.—The term
19 ‘covered entity’ means an eligible entity or
20 nonprofit organization with relevant experi-
21 ence and expertise in applying for and se-
22 curing Federal assistance that is receiving
23 funding under subparagraph (A)(i).

1 “(iii) SMALL COMMUNITY.—The term
2 ‘small community’ has the meaning given
3 such term in section 128(a)(1)(B)(iv).”.

4 (g) AUDITS.—Section 104(k)(8) of the Comprehen-
5 sive Environmental Response, Compensation, and Liabil-
6 ity Act of 1980 (42 U.S.C. 9604(k)(8)) is amended—

7 (1) by amending subparagraph (A) to read as
8 follows:

9 “(A) IN GENERAL.—Not later than 2 years
10 after the date of enactment of the Brownfields
11 Revitalization for a Better Tomorrow Act, and
12 every 2 years thereafter, the Inspector General
13 of the Environmental Protection Agency shall
14 conduct reviews or audits of the use of—

15 “(i) Federal funds by the Adminis-
16 trator under this subsection;

17 “(ii) grants and loans made under
18 this subsection; and

19 “(iii) grants made to a State or In-
20 dian tribe under section 128(a) and activi-
21 ties carried out using such grants, includ-
22 ing grants made to a State or Indian tribe
23 using amounts made available under para-
24 graph (7) of this subsection to carry out
25 section 128(a)(1)(B)(ii)(III).”; and

1 (2) in subparagraph (D), by striking “Sep-
2 tember 30, 2022” and inserting “2 years after the
3 date of enactment of the Brownfields Revitalization
4 for a Better Tomorrow Act, and every 2 years there-
5 after”.

6 (h) AGREEMENTS.—Section 104(k)(10)(B)(iii) of the
7 Comprehensive Environmental Response, Compensation,
8 and Liability Act of 1980 (42 U.S.C. 9604(k)(10)(B)(iii))
9 is amended—

10 (1) by inserting “the eligible entity is located in
11 a small community or disadvantaged area (as those
12 terms are defined in section 128(a)(1)(B)(iv)) or”
13 after “unless”; and

14 (2) by inserting “, in which case the Adminis-
15 trator shall waive the matching share requirement
16 under this clause” before “; and”.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
18 104(k)(13) of the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of 1980 (42
20 U.S.C. 9604(k)(13)) is amended to read as follows:

21 “(13) AUTHORIZATION OF APPROPRIATIONS.—

22 “(A) IN GENERAL.—There is authorized to
23 be appropriated to carry out this subsection
24 \$123,500,000 for each of fiscal years 2027
25 through 2031.

1 “(B) FUNDING FOR OVERSIGHT.—Of the
2 amounts made available under this paragraph
3 for each fiscal year, 0.5 percent shall be avail-
4 able to carry out paragraph (8).”.

5 **SEC. 3. REAUTHORIZATION OF FUNDING FOR CERTAIN AS-**
6 **SISTANCE TO STATES.**

7 Section 128(a) of the Comprehensive Environmental
8 Response, Compensation, and Liability Act of 1980 (42
9 U.S.C. 9628(a)) is amended—

10 (1) in paragraph (1), by adding at the end the
11 following:

12 “(C) BROWNFIELDS INVENTORY.—Each
13 State or Indian tribe receiving a grant under
14 this subsection shall maintain, update not less
15 than annually, and make available to the public,
16 by location, an inventory of all brownfield sites
17 within that State on which activities authorized
18 and funded pursuant to that grant have oc-
19 curred.”; and

20 (2) in paragraph (3), by striking “\$50,000,000
21 for each of fiscal years 2019 through 2023” and in-
22 serting “\$46,250,000 for each of fiscal years 2027
23 through 2031”.

1 **SEC. 4. STUDIES, REPORTS, AND GUIDANCE.**

2 (a) CAPITALIZATION OF REVOLVING LOAN FUNDS
3 STUDY.—Not later than September 30, 2028, the Comp-
4 troller General shall submit to Congress a report con-
5 taining a review of revolving loan funds that were capital-
6 ized using a grant received under subparagraph (A)(i) of
7 section 104(k)(3) of the Comprehensive Environmental
8 Response, Compensation, and Liability Act of 1980 (42
9 U.S.C. 9604(k)(3)) during any of fiscal years 2015
10 through 2025, including information on—

11 (1) the status and balance of each such revolv-
12 ing loan fund;

13 (2) each loan or grant provided by an eligible
14 entity under subparagraph (B) of such section; and

15 (3) any barriers to the eligible entity providing
16 additional loans or grants under such subparagraph
17 (B).

18 (b) REPORT ON FUNDING FOR COVERED ENTITIES
19 AND COVERED APPLICANTS.—

20 (1) IN GENERAL.—Not later than September
21 30, 2030, the Administrator shall submit to Con-
22 gress a report on—

23 (A) the effect of providing a grant under
24 subparagraph (A)(ii) of section 104(k)(7)(A) of
25 the Comprehensive Environmental Response,
26 Compensation, and Liability Act of 1980 (42

1 U.S.C. 9604(k)(7)(A)) (as amended by this
2 Act);

3 (B) the covered applicants selected by the
4 Administrator under such subparagraph; and

5 (C) the status of—

6 (i) any applications for a grant under
7 section 104(k) of such Act submitted by a
8 covered applicant that received technical
9 assistance pursuant to such subparagraph
10 (A)(ii); and

11 (ii) any activities for which a grant
12 was provided pursuant to such an applica-
13 tion.

14 (2) UPDATED REPORT.—Not later than Sep-
15 tember 30, 2032, the Administrator shall submit to
16 Congress an update to the report submitted under
17 paragraph (1).

18 (c) REPORT ON LOAN PROGRAMS FOR ASSESSMENT,
19 REMEDIATION, AND REUSE OF BROWNFIELD SITES.—

20 (1) IN GENERAL.—Not later than two years
21 after the date of enactment of this Act, the Adminis-
22 trator shall submit to the Committee on Energy and
23 Commerce of the House of Representatives and the
24 Committee on Environment and Public Works of the
25 Senate a report containing—

1 (A) an analysis of whether establishing and
2 implementing a loan program for the assess-
3 ment, remediation, and reuse of brownfield
4 sites, consistent with section 104(k) of the
5 Comprehensive Environmental Response, Com-
6 pensation, and Liability Act of 1980 (42 U.S.C.
7 9604(k)), would be feasible and useful, includ-
8 ing consideration of—

9 (i) the demand for larger loans for
10 which the amount of the loan is equal to
11 or greater than the largest loan currently
12 offered by eligible entities under section
13 104(k)(3)(B) of such Act;

14 (ii) the extent to which such a pro-
15 gram would facilitate the remediation and
16 reuse of brownfield sites at which potential
17 contamination is particularly extensive or
18 complex; and

19 (iii) the extent to which such a pro-
20 gram could facilitate the remediation and
21 reuse of one of more brownfield sites at an
22 earlier date than such activities would oth-
23 erwise proceed; and

24 (B) if the Administrator finds such a pro-
25 gram will be feasible and useful, recommenda-

1 tions for statutory changes needed to authorize
2 such a program.

3 (2) CONSULTATION.—In carrying out this sub-
4 section, the Administrator shall consult with other
5 Federal agencies, eligible entities, site owners, site
6 developers, and any other entities the Administrator
7 considers appropriate.

8 (d) NATIONAL PRIORITIES LIST DELETION
9 STUDY.—The Comptroller General shall conduct a study
10 with respect to the process for the deletion or partial dele-
11 tion of sites from the National Priorities List established
12 under section 105 of the Comprehensive Environmental
13 Response, Compensation, and Liability Act of 1980 (42
14 U.S.C. 9605), in order to identify any barriers to such
15 deletion or partial deletion, including a review of the fol-
16 lowing:

17 (1) The process of coordination between Fed-
18 eral and State entities with respect to such deletion
19 or partial deletion.

20 (2) Any impediments to timely and efficient de-
21 letion or partial deletion of sites.

22 (3) Opportunities to expedite the deletion or
23 partial deletion of sites with respect to which appli-
24 cable remedial action has been completed.

1 (e) GUIDANCE FOR PERMITTING ON BROWNFIELD
2 SITES.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Administrator
5 shall develop guidance to assist Federal agencies in
6 more efficiently issuing Federal authorizations, and
7 conducting environmental reviews for such author-
8 izations, with respect to projects relating to
9 brownfield sites.

10 (2) CONSIDERATIONS.—In developing or updat-
11 ing guidance under this subsection, the Adminis-
12 trator shall consider matters related to—

13 (A) the availability of historic site-specific
14 environmental data;

15 (B) previously completed environmental re-
16 views required by the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

18 (C) data or information collected as part of
19 assessment or remediation activities under sec-
20 tion 104(k) of the Comprehensive Environ-
21 mental Response, Compensation, and Liability
22 Act of 1980 (42 U.S.C. 9604(k));

23 (D) community engagement and historical
24 experience with previous uses; and

1 (E) any other matters the Administrator
2 determines appropriate.

3 (3) UPDATES.—The Administrator shall update
4 the guidance developed under this subsection peri-
5 odically.

6 (f) DEFINITIONS.—In this section:

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

10 (2) BROWNFIELD SITE.—The term “brownfield
11 site” has the meaning given that term in section
12 101(39) of the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act (42 U.S.C.
14 9601(39)).

15 (3) FEDERAL AUTHORIZATION.—The term
16 “Federal authorization”, with respect to a project—

17 (A) means any authorization required
18 under Federal law for the project; and

19 (B) includes any permits, special use au-
20 thorizations, certifications, opinions, or other
21 approvals as may be required under Federal law
22 for such project.

23 (4) REMEDIAL ACTION.—The term “remedial
24 action” has the meaning given that term in section
25 101(24) of the Comprehensive Environmental Re-

1 sponse, Compensation, and Liability Act (42 U.S.C.
2 9601(24)).