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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) DEFINITIONS.—Section 101 of the Comprehen-
3 sive Environmental Response, Compensation, and Liabil-
4 ity Act of 1980 (42 U.S.C. 9601) is amended by adding
5 at the end the following new paragraph:

6 “(42) **NATIONALLY SIGNIFICANT INFRASTRUC-**
7 **TURE FACILITY.**—The term ‘nationally significant
8 infrastructure facility’ means a facility—

9 “(A) for the fabrication, assembly, testing,
10 advanced packaging, production, or research
11 and development of semiconductors (as defined
12 under section 9901 of the William M. (Mac)
13 Thornberry National Defense Authorization Act
14 for Fiscal Year 2021)), materials used to man-
15 ufacture semiconductors, or semiconductor
16 manufacturing equipment;

17 “(B) for the extraction, recovery, refining,
18 or processing of critical minerals (as defined in
19 section 7002 of the Energy Act of 2020) or
20 rare earth elements;

21 “(C) for artificial intelligence, including a
22 data center and any other infrastructure that
23 supports artificial intelligence; and

24 “(D) for energy generation.”.

25 (b) **DEFINITION OF ELIGIBLE ENTITY.**—Section
26 104(k)(1) of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.
2 9604(k)(1)) is amended—

3 (1) in subparagraph (K), by striking “; or” and
4 inserting a semicolon;

5 (2) in subparagraph (L), by striking the period
6 at the end and inserting “; or”; and

7 (3) by adding at the end the following:

8 “(M) a private, for-profit limited liability
9 corporation that, for purposes of an application
10 for assistance under this subsection, provides
11 evidence in such application that an entity de-
12 scribed in subparagraph (A), (E), or (I) ap-
13 proves of the submission of the application.”.

14 (c) GRANTS AND LOANS FOR BROWNFIELD REMEDI-
15 ATION.—Section 104(k)(3) of the Comprehensive Environ-
16 mental Response, Compensation, and Liability Act of
17 1980 (42 U.S.C. 9604(k)(3)) is amended—

18 (1) in subparagraph (A)(ii), by striking
19 “\$500,000” and all that follows through the period
20 at the end and inserting “\$1,000,000 for each site
21 to be remediated.”; and

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

23 “(F) STUDY.—Not later than September
24 30, 2028, the Comptroller General shall submit
25 to Congress a report containing a review of re-

1 volving loan funds that were capitalized using a
2 grant received under subparagraph (A)(i) dur-
3 ing any of fiscal years 2015 through 2025, in-
4 cluding information on—

5 “(i) the status and balance of each
6 such revolving loan fund;

7 “(ii) each loan or grant provided by
8 an eligible entity under subparagraph (B);
9 and

10 “(iii) any barriers to the eligible entity
11 providing additional loans or grants under
12 such subparagraph.”.

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

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

22 (1) by amending subparagraph (A)(i) to read as
23 follows:

24 “(i) BROWNFIELD SITE CHARACTER-
25 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) ADDITIONAL ELIGIBLE ACTIVITIES.—

8 “(i) ACQUISITION.—A recipient of a
9 grant or loan under paragraph (2), (3), or
10 (4) may use up to 5 percent of the
11 amounts made available under the grant or
12 loan for the acquisition of a brownfield
13 site.

14 “(ii) DEMOLITION.—A recipient of a
15 grant or loan under paragraph (2), (3), or
16 (4) may use up to 10 percent of the
17 amounts made available under the grant or
18 loan for demolition activities in anticipa-
19 tion of future reuse of a brownfield site.

20 “(G) EXISTING FUNDING.—

21 “(i) IN GENERAL.—The Administrator
22 may, as a condition of providing a grant
23 under paragraph (2), (3), or (4), require a
24 recipient of such a grant to expend a min-
25 imum amount (determined by the Adminis-

1 trator) of such grant prior to seeking an
2 additional grant under any such para-
3 graph.

4 “(ii) WAIVER.—The Administrator
5 may waive the requirements of clause (i).”.

6 (f) RANKING CRITERIA.—Section 104(k)(6)(C) of the
7 Comprehensive Environmental Response, Compensation,
8 and Liability Act of 1980 (42 U.S.C. 9604(k)(6)(C)) is
9 amended—

10 (1) in clause (ix), by striking “site.” and insert-
11 ing “site, and, in the case of an application sub-
12 mitted by an eligible entity described in subpara-
13 graph (M) of paragraph (1), the extent to which
14 such eligible entity consulted with eligible entities
15 described in subparagraph (A), (G), or (H) of such
16 paragraph, as applicable, with respect to such deci-
17 sions.”; and

18 (2) by amending clause (xii) to read as follows:

19 “(xii) The extent to which a grant
20 would facilitate the location at a brownfield
21 site of a nationally significant infrastruc-
22 ture facility.”.

23 (g) IMPLEMENTATION OF BROWNFIELDS PRO-
24 GRAMS.—Section 104(k)(7) of the Comprehensive Envi-

1 ronmental Response, Compensation, and Liability Act of
2 1980 (42 U.S.C. 9604(k)(7)) is amended—

3 (1) in subparagraph (A)—

4 (A) by striking “The Administrator may
5 provide” and inserting the following: “The Ad-
6 ministrator—

7 “(i) may provide”;

8 (B) by striking the period at the end and
9 inserting “; and”; and

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

11 “(ii) shall provide, on a noncompeti-
12 tive basis, 1 grant to a covered entity in
13 each of fiscal years 2028 and 2029, which
14 grant shall be used to provide technical as-
15 sistance to—

16 “(I) three covered applicants, se-
17 lected by the Administrator, for pur-
18 poses of applying for a grant under
19 this subsection for activities to be car-
20 ried out in a non-metropolitan area
21 with a population of not more than
22 50,000 persons; and

23 “(II) two covered applicants, se-
24 lected by the Administrator, for the
25 purposes of applying for a grant

1 under this subsection for activities to
2 be carried out in a non-metropolitan
3 area with a population of 50,001 to
4 100,000 persons.”; and

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

6 “(C) REPORT.—

7 “(i) IN GENERAL.—Not later than
8 September 30, 2030, the Administrator
9 shall submit to Congress a report on—

10 “(I) the effect of providing a
11 grant under subparagraph (A)(i);

12 “(II) the covered applicants se-
13 lected by the Administrator under
14 such subparagraph; and

15 “(III) the status of—

16 “(aa) any applications for a
17 grant under this subsection sub-
18 mitted by a covered applicant
19 that received technical assistance
20 pursuant to such subparagraph;
21 and

22 “(bb) any activities for
23 which a grant was provided pur-
24 suant to such an application.

1 “(ii) UPDATED REPORT.—Not later
2 than September 30, 2032, the Adminis-
3 trator shall submit to Congress an update
4 to the report submitted under clause (i).

5 “(D) DEFINITIONS.—In this paragraph:

6 “(i) COVERED APPLICANT.—The term
7 ‘covered applicant’ means an eligible enti-
8 ty—

9 “(I) that applied for, but did not
10 receive, a grant under this subsection
11 in the fiscal year immediately pre-
12 ceding the fiscal year for which the
13 Administrator is selecting covered ap-
14 plicants under subparagraph (A)(i)
15 for activities to be carried out in a
16 non-metropolitan area with a popu-
17 lation of not more than 100,000 per-
18 sons; and

19 “(II) for which the provision of
20 technical assistance under this sub-
21 paragraph would help secure a grant
22 under this subsection.

23 “(ii) COVERED ENTITY.—The term
24 ‘covered entity’ means an eligible entity or
25 nonprofit organization with relevant experi-

1 ence and expertise in applying for and se-
2 curing Federal assistance that is receiving
3 funding under subparagraph (A)(i).”.

4 (h) 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) to carry out section
25 128(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 (i) AGREEMENTS.—Section 104(k)(10)(B) of the
7 Comprehensive Environmental Response, Compensation,
8 and Liability Act of 1980 (42 U.S.C. 9604(k)(10)) is
9 amended—

10 (1) in clause (ii), by striking “or (4)” and in-
11 serting “(4), or (5)”; and

12 (2) in clause (iii)—

13 (A) by inserting “the eligible entity is lo-
14 cated in a small community or disadvantaged
15 area (as those terms are defined in section
16 128(a)(1)(B)(iv)) or” after “unless”; and

17 (B) by inserting “, in which case the Ad-
18 ministrators shall waive the matching share re-
19 quirement under this clause” before “; and”.

20 (j) AUTHORIZATION OF APPROPRIATIONS.—Section
21 104(k)(13) of the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act of 1980 (42
23 U.S.C. 9604(k)(13)) is amended to read as follows:

24 “(13) AUTHORIZATION OF APPROPRIATIONS.—

1 “(A) IN GENERAL.—There is authorized to
2 be appropriated to carry out this subsection
3 \$250,000,000 for each of fiscal years 2027
4 through 2031.

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

9 **SEC. 3. REAUTHORIZATION OF FUNDING FOR CERTAIN AS-**
10 **SISTANCE TO STATES.**

11 Section 128(a)(3) of the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act of
13 1980 (42 U.S.C. 9628(a)(3)) is amended by striking “fis-
14 cal years 2019 through 2023” and inserting “fiscal years
15 2027 through 2031”.