

[DISCUSSION DRAFT]

1 **SEC. 1. REDEVELOPMENT CERTAINTY FOR GOVERN-**
2 **MENTAL ENTITIES.**

3 (a) **OWNER OR OPERATOR.**—Section 101(20)(D) of
4 the Comprehensive Environmental Response, Compensa-
5 tion, and Liability Act of 1980 (42 U.S.C. 9601(20)(D))
6 is amended by striking “ownership or control” and all that
7 follows through “by virtue” and inserting “ownership or
8 control through seizure or otherwise in connection with
9 law enforcement activity, or through bankruptcy, tax de-
10 linquency, abandonment, or other circumstances in which
11 the government acquires title by virtue”.

12 (b) **CONTRACTUAL RELATIONSHIP.**—Section
13 101(35)(A) of the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of 1980 (42
15 U.S.C. 9601(35)(A)) is amended—

16 (1) in the matter preceding clause (i), by strik-
17 ing “clause (i), (ii), or (iii)” and inserting “clause (i)
18 or (ii)”;

19 (2) by striking clause (ii); and

20 (3) by redesignating clause (iii) as clause (ii).

1 **SEC. 2. PETROLEUM BROWNFIELD ENHANCEMENT.**

2 Section 101(39)(D)(ii)(II) of the Comprehensive En-
3 vironmental Response, Compensation, and Liability Act of
4 1980 (42 U.S.C. 9601(39)(D)(ii)(II)) is amended by
5 amending item (bb) to read as follows:

6 “(bb) is a site for which there is no
7 viable responsible party and that is deter-
8 mined by the Administrator or the State,
9 as appropriate, to be a site that will be as-
10 sessed, investigated, or cleaned up by a
11 person that is not potentially liable for
12 cleaning up the site under this Act or any
13 other law pertaining to the cleanup of pe-
14 troleum products; and”.

15 **SEC. 3. CLARIFICATION OF LEASEHOLDER INTEREST.**

16 Section 101(40) of the Comprehensive Environmental
17 Response, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9601(40)) is amended—

19 (1) in the matter preceding subparagraph (A),
20 by striking “(or a tenant of a person) that acquires
21 ownership of” and inserting “who acquires an own-
22 ership or leasehold interest in”;

23 (2) in subparagraph (A), by inserting “the in-
24 terest in” after “acquired”;

25 (3) in subparagraph (B)(ii) by inserting “with
26 respect to a person who acquires an ownership inter-

1 est in a facility. The Administrator shall establish
2 standards and practices with respect to a person
3 who acquires a leasehold interest in a facility” before
4 the period at the end;

5 (4) in subparagraph (H)(i)(II), by inserting “,
6 by the instruments by which the leasehold interest in
7 the facility is acquired after January 11, 2002,”
8 after “financed”; and

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

10 “(I) LEASEHOLDERS.—In the case of a
11 person holding a leasehold interest in a facil-
12 ity—

13 “(i) the leasehold interest in the facil-
14 ity—

15 “(I) is for a term of not less than
16 10 years; and

17 “(II) grants the person control
18 of, and access to, the facility; and

19 “(ii) the person is responsible for the
20 management of all hazardous substances
21 at the facility.”.

22 **SEC. 4. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-**
23 **ZATIONS.**

24 (a) NONPROFIT ORGANIZATIONS.—Section 104(k)(1)
25 of the Comprehensive Environmental Response, Com-

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

3 (1) in subparagraph (G), by striking “or” after
4 the semicolon;

5 (2) in subparagraph (H), by striking the period
6 at the end and inserting a semicolon; and

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

8 “(I) an organization described in section
9 501(c)(3) of the Internal Revenue Code of 1986
10 and exempt from taxation under section 501(a)
11 of that Code;

12 “(J) a limited liability corporation in which
13 all managing members are organizations de-
14 scribed in subparagraph (I) or limited liability
15 corporations whose sole members are organiza-
16 tions described in subparagraph (I);

17 “(K) a limited partnership in which all
18 general partners are organizations described in
19 subparagraph (I) or limited liability corpora-
20 tions whose sole members are organizations de-
21 scribed in subparagraph (I); or

22 “(L) a qualified community development
23 entity (as defined in section 45D(c)(1) of the
24 Internal Revenue Code of 1986).”.

1 (b) CONFORMING AMENDMENTS.—Section 104(k) of
2 the Comprehensive Environmental Response, Compensa-
3 tion, and Liability Act of 1980 (42 U.S.C. 9604(k)) is
4 amended—

5 (1) in paragraph (3)—

6 (A) in subparagraph (A)(ii)—

7 (i) by striking “or nonprofit organiza-
8 tions”; and

9 (ii) by striking “entity or organiza-
10 tion” and inserting “eligible entity”; and

11 (B) in subparagraph (B)(ii)—

12 (i) by striking “or other nonprofit or-
13 ganization”; and

14 (ii) by striking “or nonprofit organiza-
15 tion”; and

16 (2) in paragraph (6)(A), by striking “or non-
17 profit organizations”.

18 **SEC. 5. TREATMENT OF PUBLICLY OWNED BROWNFIELD**
19 **SITES.**

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

23 (1) in paragraph (2), by adding at the end the
24 following:

1 “(C) EXEMPTION FOR CERTAIN PUBLICLY
2 OWNED BROWNFIELD SITES.—Notwithstanding
3 any other provision of law, an eligible entity de-
4 scribed in any of subparagraphs (A) through
5 (H) of paragraph (1) may receive a grant under
6 this paragraph for property acquired by that el-
7 igible entity prior to January 11, 2002, even if
8 such eligible entity does not qualify as a bona
9 fide prospective purchaser, so long as the eligi-
10 ble entity has not caused or contributed to a re-
11 lease or threatened release of a hazardous sub-
12 stance at the property.”; and

13 (2) in paragraph (3), by adding at the end the
14 following:

15 “(E) EXEMPTION FOR CERTAIN PUBLICLY
16 OWNED BROWNFIELD SITES.—Notwithstanding
17 any other provision of law, an eligible entity de-
18 scribed in any of subparagraphs (A) through
19 (H) of paragraph (1) may receive a grant or
20 loan under this paragraph for property acquired
21 by that eligible entity prior to January 11,
22 2002, even if such eligible entity does not qual-
23 ify as a bona fide prospective purchaser, so long
24 as the eligible entity has not caused or contrib-

1 uted to a release or threatened release of a haz-
2 ardous substance at the property.”.

3 **SEC. 6. REMEDIATION GRANT ENHANCEMENT.**

4 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-
5 ronmental Response, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-
7 ing “\$200,000 for each site to be remediated” and insert-
8 ing “\$500,000 for each site to be remediated, which limit
9 may be waived by the Administrator, but not to exceed
10 a total of \$750,000 for each site, based on the anticipated
11 level of contamination, size, or ownership status of the
12 site”.

13 **SEC. 7. MULTIPURPOSE BROWNFIELDS GRANTS.**

14 Section 104(k) of the Comprehensive Environmental
15 Response, Compensation, and Liability Act of 1980 (42
16 U.S.C. 9604(k)) is amended—

17 (1) by redesignating paragraphs (4) through
18 (12) as paragraphs (5) through (13), respectively;

19 (2) in paragraph (3)(A), by striking “Subject to
20 paragraphs (4) and (5)” and inserting “Subject to
21 paragraphs (5) and (6)”;

22 (3) by inserting after paragraph (3) the fol-
23 lowing:

24 “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (D) and paragraphs (5) and (6), the Ad-
3 ministrator shall establish a program to provide
4 multipurpose grants to an eligible entity based
5 on the criteria under subparagraph (C) and the
6 considerations under paragraph (3)(C), to carry
7 out inventory, characterization, assessment,
8 planning, technical assistance, or remediation
9 activities at 1 or more brownfield sites in an
10 area proposed by the eligible entity.

11 “(B) GRANT AMOUNTS.—Each grant
12 awarded under this paragraph shall not exceed
13 \$1,000,000.

14 “(C) CRITERIA.—In awarding a grant
15 under this paragraph, the Administrator shall
16 consider the extent to which the eligible entity
17 is able—

18 “(i) to provide an overall plan for re-
19 vitalization of the 1 or more brownfield
20 sites in the proposed area in which the
21 multipurpose grant will be used;

22 “(ii) to demonstrate a capacity to con-
23 duct the range of activities that will be
24 funded by the multipurpose grant; and

1 “(iii) to demonstrate that a multipur-
2 pose grant will meet the needs of the 1 or
3 more brownfield sites in the proposed area.

4 “(D) CONDITION.—As a condition of re-
5 ceiving a grant under this paragraph, each eli-
6 gible entity shall expend the full amount of the
7 grant not later than the date that is 5 years
8 after the date on which the grant is awarded to
9 the eligible entity, unless the Administrator pro-
10 vides an extension.

11 “(E) OWNERSHIP.—An eligible entity that
12 receives a grant under this paragraph may not
13 expend any of the grant funds on remediation
14 of a brownfield site until such time as the eligi-
15 ble entity owns the brownfield site.”; and

16 (4) by striking “(2) or (3)” each place it ap-
17 pears and inserting “(2), (3), or (4)”.

18 **SEC. 8. ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.**

19 Paragraph (5) of section 104(k) of the Comprehen-
20 sive Environmental Response, Compensation, and Liabil-
21 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
22 section 7 of this Act) is amended—

23 (1) in subparagraph (B)—

24 (A) in clause (i)—

25 (i) by striking subclause (III); and

1 (ii) by redesignating subclauses (IV)
2 and (V) as subclauses (III) and (IV), re-
3 spectively;

4 (B) by striking clause (ii);

5 (C) by redesignating clause (iii) as clause
6 (ii); and

7 (D) in clause (ii) (as redesignated by sub-
8 paragraph (C)), by striking “Notwithstanding
9 clause (i)(IV)” and inserting “Notwithstanding
10 clause (i)(III)”;

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

12 “(E) ADMINISTRATIVE COSTS.—

13 “(i) IN GENERAL.—An eligible entity
14 may use up to 5 percent of the amounts
15 made available under a grant or loan
16 under this subsection for administrative
17 costs.

18 “(ii) RESTRICTION.—For purposes of
19 clause (i), the term ‘administrative costs’
20 does not include—

21 “(I) investigation and identifica-
22 tion of the extent of contamination of
23 a brownfield site;

24 “(II) design and performance of
25 a response action; or

1 “(III) monitoring of a natural re-
2 source.”.

3 **SEC. 9. RENEWABLE ENERGY ON BROWNFIELD SITES.**

4 Paragraph (6) of section 104(k) of the Comprehen-
5 sive Environmental Response, Compensation, and Liabil-
6 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
7 section 7 of this Act) is amended by adding at the end
8 of subparagraph (C) the following:

9 “(xi) The extent to which a grant
10 would facilitate the production of renew-
11 able energy on the site.”.

12 **SEC. 10. BROWNFIELDS FUNDING.**

13 Paragraph (13) of section 104(k) of the Comprehen-
14 sive Environmental Response, Compensation, and Liabil-
15 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
16 section 7 of this Act) is amended to read as follows:

17 “(13) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to carry out
19 this subsection [\$_____] for each of
20 fiscal years 2017 through 2021.”.

21 **SEC. 11. STATE RESPONSE PROGRAM FUNDING.**

22 Section 128(a)(3) of the Comprehensive Environ-
23 mental Response, Compensation, and Liability Act of
24 1980 (42 U.S.C. 9628(a)(3)) is amended to read as fol-
25 lows:

1 “(3) FUNDING.—There is authorized to be ap-
2 propriated to carry out this subsection
3 【\$_____】 for each of fiscal years 2017
4 through 2021.”.