

[DISCUSSION DRAFT]

118TH CONGRESS
1ST 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 “Revitalization Through
5 Brownfields Act of 2023”.

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

2 (a) DEFINITION OF ELIGIBLE ENTITY.—Section
3 104(k)(1) of the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (42 U.S.C.
5 9604(k)(1)) is amended—

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

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

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

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

17 (b) GRANTS AND LOANS FOR BROWNFIELD REMEDI-
18 ATION.—Section 104(k)(5) of the Comprehensive Environ-
19 mental Response, Compensation, and Liability Act of
20 1980 (42 U.S.C. 9604(k)(5)) is amended by adding at the
21 end the following:

22 “(F) CONCURRENCE OF LOCAL GOVERN-
23 MENT.—Assistance may not be provided under
24 paragraph (2), (3), or (4) to an entity not de-
25 scribed in subparagraph (A), (G), or (H) of
26 paragraph (1) unless the relevant entity de-

1 scribed in subparagraph (A), (G), or (H) of
2 paragraph (1), as applicable, agrees that the
3 provision of such assistance is appropriate.”.

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

9 “(C) SUPPLEMENTAL FUNDING.—

10 “(i) IN GENERAL.—In carrying out
11 the activities described under subpara-
12 graph (A), in each of fiscal years 2025 and
13 2026, the Administrator shall provide, on a
14 noncompetitive basis, supplemental funding
15 to a covered entity to provide technical as-
16 sistance to—

17 “(I) three covered applicants, se-
18 lected by the Administrator, for pur-
19 poses of applying for a grant under
20 this subsection for activities to be car-
21 ried out in a non-metropolitan area
22 with a population of not more than
23 50,000 persons; and

24 “(II) two covered applicants, se-
25 lected by the Administrator, for pur-

1 poses of applying for a grant under
2 this subsection for activities to be car-
3 ried out in a non-metropolitan area
4 with a population of 50,001 to
5 100,000 persons.

6 “(ii) REPORT.—Not later than Sep-
7 tember 30, 2027, the Administrator shall
8 submit to Congress a report on—

9 “(I) the effect of providing sup-
10 plemental funding under clause (i);

11 “(II) the covered applicants se-
12 lected by the Administrator under
13 clause (i); and

14 “(III) the status of—

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

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

24 “(iii) UPDATED REPORT.—Not later
25 than September 30, 2029, the Adminis-

1 trator shall submit to Congress an update
2 to the report described in clause (ii).

3 “(iv) DEFINITIONS.—In this subpara-
4 graph:

5 “(I) COVERED APPLICANT.—The
6 term ‘covered applicant’ means an eli-
7 gible entity—

8 “(aa) that applied for, but
9 did not receive, a grant under
10 this subsection in the previous
11 fiscal year for activities to be car-
12 ried out in a non-metropolitan
13 area with a population of not
14 more than 100,000 persons;

15 “(bb) for which the award of
16 a grant under this subsection
17 would promote environmental
18 protection and restoration, eco-
19 nomic development, job creation,
20 community revitalization, and
21 public health protection through
22 the assessment, cleanup, or sus-
23 tainable reuse of a brownfield
24 site located in such a non-metro-
25 politan area; and

1 “(cc) for which the provision
2 of technical assistance under this
3 subparagraph would help secure
4 a grant under this subsection.

5 “(II) COVERED ENTITY.—The
6 term ‘covered entity’ means an eligible
7 entity or nonprofit organization with
8 relevant experience and expertise that
9 is receiving funding under subpara-
10 graph (A).

11 “(v) SUNSET.—The authority of the
12 Administrator to provide supplemental
13 funding under this subparagraph shall ter-
14 minate on September 30, 2029.”.

15 (d) AUDITS.—Section 104(k)(8) of the Comprehen-
16 sive Environmental Response, Compensation, and Liabil-
17 ity Act of 1980 (42 U.S.C. 9604(k)(8)) is amended—

18 (1) by amending subparagraph (A) to read as
19 follows:

20 “(A) IN GENERAL.—Not later than 2 years
21 after the date of enactment of the Revitaliza-
22 tion Through Brownfields Act of 2023, and
23 every 2 years thereafter, the Inspector General
24 of the Environmental Protection Agency shall
25 conduct reviews or audits of the use of Federal

1 funds by the Administrator under this sub-
2 section and of grants and loans made under
3 this subsection.”;

4 (2) in subparagraph (D), by inserting “and
5 every 2 years thereafter,” after “2022,”; and

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

7 “(E) AUDIT AND REPORT BY ADMINIS-
8 TRATOR.—The Administrator shall annually
9 conduct an internal audit, and report to Con-
10 gress on the status, of activities carried out
11 under this subsection, and activities carried out
12 under section 128(a), using assistance provided
13 under this subsection.”.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
15 104(k)(13) of the Comprehensive Environmental Re-
16 sponse, Compensation, and Liability Act of 1980 (42
17 U.S.C. 9604(k)(13)) is amended to read as follows:

18 “(13) AUTHORIZATION OF APPROPRIATIONS.—

19 “(A) IN GENERAL.—There is authorized to
20 be appropriated to carry out this subsection
21 **【\$_____】** for each of fiscal years 2024
22 through 2028.

23 “(B) FUNDING FOR OVERSIGHT.—Of the
24 amounts made available under this paragraph

1 for each fiscal year, 0.5 percent shall be avail-
2 able to carry out paragraph (8).”.

3 (f) STATE RESPONSE PROGRAMS.—Section
4 128(a)(3) of the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (42 U.S.C.
6 9628(a)(3)) is amended by striking “\$50,000,000 for each
7 of fiscal years 2019 through 2023” and inserting
8 “**[\$_____]** for each of fiscal years 2024 through
9 2028”.