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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 2, 2026

MEMORANDUM

TO: Members of the Subcommittee on Environment
FROM: Environment Subcommittee Majority Staff
RE: Hearing entitled, “Ready for Reuse: Legislative Proposals to Unleash the Potential of America's Brownfields Sites.”

I. INTRODUCTION

The Subcommittee on Environment will hold a hearing on Wednesday, March 4, 2026, at 2:00 p.m. (ET) in 2123 Rayburn House Office Building. The hearing is entitled, “Ready for Reuse: Legislative Proposals to Unleash the Potential of America’s Brownfields Sites.”

II. WITNESS

- Gerald L. Pouncey, Jr., Senior Counsel, Taft Stettinius & Hollister
- David W. Robinson, Executive Vice President of Strategic Development, Aligned Data Centers
- Hon. Alan Tomson, Mayor, Town of Davis, West Virginia, National Brownfields Coalition
- Chris Wells, Executive Director, Mississippi Department of Environmental Quality and President, Environmental Council of the States

III. BACKGROUND

A. Overview of the Environmental Protection Agency’s Brownfields Program

According to the Environmental Protection Agency (EPA), a brownfield is “a property where expansion, redevelopment or reuse may be complicated by the presence or potential

presence of a hazardous substance, pollutant, or contaminant.”¹ EPA estimates there are more than 450,000 brownfields in the United States.² These properties may be vacant, abandoned, or occupied; they include former industrial, residential, or commercial facilities that leave behind contaminants.³

EPA’s Brownfields Program supports assessment, cleanup, and safe reuse of these properties in the hope that this reinvestment will increase local tax revenue, spur job growth, and take advantage of existing infrastructure.⁴ To these ends, the Brownfields Program provides grant funding for assessment, cleanup, multipurpose use, capitalizing revolving loan funds, job training, and technical assistance.⁵ Eligible recipients of program funding include local governments, states, state-created entities or development agencies, Tribes, and nonprofits.⁶

Recipients must often secure additional resources to complete brownfields revitalization projects, due to factors such as expensive cleanup costs, requisite infrastructure upgrades, and prohibitive redevelopment costs in distressed or small communities and at sites with limited reuse potential.⁷ As such, communities may seek to leverage Brownfields Program funding to attract other funding sources.⁸ According to EPA, through Fiscal Year (FY) 2024, an average of \$20.45 was leveraged per dollar of federal Brownfields funding awarded through its assessment, cleanup, multipurpose, and revolving loan fund cooperative agreements.⁹

B. Statutory History

1. Small Business Liability Relief and Brownfields Revitalization Act

EPA first established a federal assistance cleanup program for brownfields properties in 1993, pursuant to its general cleanup authorities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).¹⁰ Congress subsequently passed the Small Business Liability Relief and Brownfields Revitalization Act of 2002, which codified these initial brownfields grant programs by adding a new subsection (k) to section 104 of CERCLA.¹¹ It also added a section 128 to CERCLA, which established the “the State and Tribal Response Program”—a grant program for states and Tribes to create and support their own

¹ ENVTL. PROT. AGENCY, *Brownfields: About*, <https://www.epa.gov/brownfields/about> (last updated Sept. 10, 2025).

² *Id.*

³ ENVTL. PROT. AGENCY, *101.1 What Is a Brownfield?*, <https://www.epa.gov/brownfields/about>.

⁴ See ENVTL. PROT. AGENCY, *supra* note 1.

⁵ Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 104(k).

⁶ *Id.* § 104(k)(1).

⁷ ENVTL. PROT. AGENCY, SETTING THE STAGE FOR LEVERAGING RESOURCES FOR BROWNFIELDS REVITALIZATION iii (2016), https://www.epa.gov/sites/default/files/2016-04/documents/final_leveraging_guide_document_4-19-16.pdf.

⁸ *Id.*

⁹ ENVTL. PROT. AGENCY, *Brownfields: Accomplishments*, <https://www.epa.gov/brownfields/accomplishments> (last visited Feb. 6, 2025).

¹⁰ CONG. RESEARCH SERV., R41039, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act* 4 (2012).

¹¹ Pub. L. No. 107-118; CONG. RESEARCH SERV., *supra* note 10 at 36.

cleanup programs.¹² Finally, this legislation provided liability protections for certain categories of landowners.¹³

2. Brownfields Utilization, Investment and Local Development Act

In 2018, Congress reauthorized the Brownfields Program through the Brownfields Utilization, Investment, and Local Development Act of 2018, which was passed as part of the Consolidated Appropriations Act for FY 2018.¹⁴ This legislation reauthorized the Brownfields Program at \$200 million per year, as well as the State and Tribal Response Programs at \$50 million per year for FY 2019 through FY 2023.¹⁵ For the section 104(k) grants, the 2018 law expanded eligible uses of funding, the scope of entities eligible for awards, and permissible funding amounts.¹⁶ It also provided liability relief for certain parties.¹⁷

3. Infrastructure Investment and Jobs Act

Enacted on November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) also provided supplemental funding and additional direction for the Brownfields Program.¹⁸ Of the \$1.5 billion appropriated in the IIJA, \$1.2 billion was equally divided over FY2022 through 2026 (\$240 million annually) for Brownfields programs under CERCLA section 104(k), and \$300 million (\$60 million annually) was allocated for State and Tribal Response Program grants under CERCLA section 128.¹⁹ The IIJA also: (1) waived cost-share requirements for grants to capitalize revolving loan funds or clean up more than one site; (2) greatly expanded the funding limits for Brownfields grants under CERCLA section 104(k); and (3) required a determination whether it was “necessary to promulgate regulations or issue guidance in order to prioritize and expedite the siting of clean energy projects on current and former mine land sites.”²⁰

IV. PREVIOUS COMMITTEE ACTIVITY

A. 118th Congress

On September 27, 2023, the Committee’s Subcommittee on Environment, Manufacturing, and Critical Materials held a hearing entitled, “Revitalizing America Through the Reauthorization of the Brownfields Program.”²¹ The hearing included consideration of a discussion draft for reauthorization of the Brownfields Program.²² Among other provisions, this

¹² CONG. RESEARCH SERV., *supra* note 10 at 36.

¹³ *Id.* at 37.

¹⁴ Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, div. N.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Pub. L. No. 117-58, div. J, tit VI.

¹⁹ *Id.*

²⁰ *Id.*; div. D, tit. III, subtit. E, § 40342.

²¹ *Revitalizing America Through the Reauthorization of the Brownfields Program: Hearing Before the Subcomm. on Env't., Mfg., and Critical Materials of the H. Comm. on Energy and Commerce*, 118th Cong. (2023).

²² H.R. __, To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to brownfields revitalization funding, and for other purposes, 118th Cong.,

discussion draft included proposing to add additional entities to the list of those eligible for Brownfields Program awards; a local government concurrence provision for grants; a rural brownfields showcase program; and an internal audit and report to Congress on the program.²³ Members and witnesses also discussed appropriate funding levels for the program, impacts of the IJA funding infusion, and potential improvements to specific funding opportunities within this program.²⁴

B. 119th Congress

On March 11, 2025, the Subcommittee on the Environment held a hearing entitled, “Maximizing Opportunities for Redeveloping Brownfields Sites: Assessing the Potential for New American Innovation.”²⁵ The hearing included discussion of the value of the EPA Brownfields Program, its role in repurposing former industrial sites, and opportunities to improve it, such as adjusting maximum awards limits and additional acceptable uses of funding. Members also considered the advantages of brownfields sites as locations for energy production, data centers, and semiconductor facilities, such as existing electric infrastructure, proximity to transportation, digital services access, and a skilled workforce nearby.²⁶ Additionally, as Jim Connaughton, former chair of the White House’s Council of Environmental Quality testified, environmental properties of brownfields sites are well known, the resiliency of large sites against natural disasters has been previously analyzed, and environmental assessments often have already been conducted.²⁷

IV. SENATE ACTIVITY

On February 25, 2025, the Senate Environment and Public Works Committee favorably reported S. 347, the Brownfields Reauthorization Act of 2025.²⁸ The bill: (1) expands entities eligible for grants; (2) removes limits on the percentage of funds that can be used for administrative costs; (3) amends evaluation criteria for grant applications to include meaningful community involvement and diverse stakeholder engagement; (4) reduces the cost-share requirement; and (5) increases the maximum award limit per site.²⁹ It reauthorizes the section 104(k) grants through 2030 but is silent on funding levels.³⁰ For the State and Tribal Response

<https://docs.house.gov/meetings/IF/IF18/20230927/116421/BILLS-118pih-RevitalizationThroughBrownfieldsAct.pdf>.

²³ *Id.*

²⁴ *Revitalizing America Through the Reauthorization of the Brownfields Program: Hearing Before the Subcomm. on Env't., Mfg., and Critical Materials of the H. Comm. on Energy and Commerce*, 118th Cong. (2023) (preliminary transcript) <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventId=116421>.

²⁵ *Maximizing Opportunities for Redeveloping Brownfields Sites: Assessing the Potential for New American Innovation: Hearing Before the Subcomm. on Env't. of the H. Comm. on Energy and Commerce*, 119th Cong. (2026).

²⁶ *Id.* at 24-25 (statement of Jim Connaughton, Chief Executive Officer, JLC Strategies).

²⁷ *Id.*

²⁸ *Full Committee Business Meeting: Before the S. Comm. on Env. and Pub. Works*, 119th Cong. (2025) (full transcript), <https://www.epw.senate.gov/public/index.cfm/hearings?ID=0CAD371E-7971-40C7-A9A7-7DB7F52DABD5>.

²⁹ S. 347, Brownfields Reauthorization Act of 2025, 119th Cong. (2025).

³⁰ H.R. ___, To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to brownfields revitalization funding, and for other purposes, 118th Cong.,

Program, however, it escalates funding gradually from FYs 2025 through 2030.³¹ It awaits consideration by the full Senate.

V. TRUMP ADMINISTRATION ACTIVITY

On July 23, 2025, President Trump issued Executive Order 14318, Accelerating Federal Permitting of Data Center Infrastructure, to address regulatory barriers to United States leadership on artificial intelligence infrastructure.³² This order directed the EPA Administrator to identify brownfields and Superfund sites for use by data center projects.³³ It also ordered EPA to “develop guidance to help expedite environmental reviews for qualified reuse and assist State governments and private parties to return such Brownfield Sites and Superfund Sites to productive use as expeditiously as possible.”³⁴

The President’s FY 2026 budget request proposed a reduction from \$25.6 million to \$12.8 million in funding to support operation of the Brownfields Program as well as elimination of categorical grant funds, which was appropriated \$46.2 million in FY 2025, and an \$18 million reduction in project grant funds, which was appropriated \$98 million in FY 2025. The final enacted funding levels for FY 2026 remained the same as FY 2025.³⁵

VI. LEGISLATION

The Subcommittee plans to discuss the following legislation:

A. H.R. ____, Brownfields Revitalization for a Better Tomorrow Act

This legislation amends section 104(k) of CERCLA to expand the list of “eligible entities” eligible for brownfields grants to for-profit limited liability corporations.

It increases the maximum award limit for remediation grants under the EPA’s Brownfields Grant Program from \$500,000 to \$1,000,000.

It also requires the Government Accountability Office to conduct and submit to Congress a study on the revolving loan funds capitalized under the program.

This legislation increases the maximum individual award amount for multipurpose grants from \$1,000,000 to \$2,000,000. For the site characterization and assessment grants, the legislation increases the maximum award amount from \$200,000 to \$500,000.

It also allows a portion of grant funds to be used for acquisition of brownfields sites or demolition activities on these sites. It clarifies that EPA may require an eligible entity to expand

<https://docs.house.gov/meetings/IF/IF18/20230927/116421/BILLS-118pih-RevitalizationThroughBrownfieldsAct.pdf>.

³¹ *Id.*

³² Exec. Order No. 14,318, 90 Fed. Reg. 35,385 (2025).

³³ § 7(b).

³⁴ *Id.*

³⁵ Pub. L. No. 119-74, 140 Stat 5.

a previously awarded grant prior to receiving another one, but that EPA may waive this requirement.

It amends the criteria EPA shall use to rank grant applications to include consideration of (1): the extent to which a for-profit eligible entity corporation has consulted with local governments, Tribes, and Alaska Native Corporations, on reuse and cleanup decisions for the brownfields site; and (2) the extent to which a grant would facilitate the location of a nationally significant infrastructure facility on a brownfields site. The bill defines a “nationally significant infrastructure facility” in section 101 of CERCLA to include semiconductor facilities, critical mineral facilities, artificial intelligence, and energy generation.

The legislation creates a pilot program for rural communities, under which EPA will award a grant to an eligible organization to provide technical assistance for applying for brownfields grants to communities in nonmetropolitan areas of prescribed population limits.

It also institutes a biannual requirement for the Inspector General to conduct reviews or audits of grants made under section 104(k) and section 128(a).

This legislation waives cost-share requirements for grants under this subsection for disadvantaged and small communities.

It reauthorizes the 104(k) grants program as well as the section 128(a) state response program at existing funding levels for fiscal years 2027 through 2031. Of this funding, it requires 0.5% of this funding be used to carry out the required Inspector General oversight described above.

B. H.R. ____, Brownfields Infrastructure Finance and Innovation Act

This legislation directs EPA to establish a pilot program in FYs 2028 and 2029 to provide loans or loan guarantees to covered entities for eligible projects on brownfields property, similar to the Water Infrastructure Finance and Innovation Act (WIFIA).

C. H.R. ____, Brownfields Inventory and Permitting Efficiency Act

This legislation directs EPA, in cooperation with states and in consultation with other federal agencies, to maintain a publicly available database of brownfield sites that may be appropriate for nationally significant infrastructure facilities. The bill directs EPA to inventory brownfields sites within that state that the state determines may be appropriate for nationally significant infrastructure. The legislation defines a “nationally significant infrastructure facility” in section 101 of CERCLA to include semiconductor facilities, critical mineral facilities, artificial intelligence, and energy generation.

It states that a federal authorization for a nationally significant infrastructure facility on covered brownfields sites may not be considered a “major Federal action” under the National Environmental Policy Act of 1969.

It requires EPA to develop guidance to assist other federal agencies in more efficiently issuing authorizations and conducting environmental reviews for projects on brownfields sites.

Finally, it directs GAO to conduct a study on the process of deletion of sites from the National Priority List, including the process of federal-state coordination and inefficiencies in the process.

D. H.R. ____, Brownfields Reauthorization for an Affordable and Revitalized America Act

This legislation amends section 104(k) of CERCLA to increase the maximum award limit for remediation grants under the EPA's Brownfields Grant Program from \$500,000 to \$1,000,000.

It amends the cost share requirement for the grants program to require EPA to waive the required cost share if (1) the eligible entity is, serves, or has its principal place of business in a small community or disadvantaged area; (2) the site to be remediated is located in a small community or disadvantaged area; or (3) the Administrator determines that the matching share would place an undue hardship on the eligible entity.

It also reauthorizes appropriations for section 104(k) at the following levels: \$250,000,000 for fiscal year 2027; \$300,000,000 for fiscal year 2028; \$350,000,000 for fiscal year 2029; \$400,000,000 for fiscal year 2030; and \$450,000,000 for fiscal year 2031.

Finally, it reauthorizes the section 128(a) state response program at the following levels: \$60,000,000 for fiscal year 2027; \$70,000,000 for fiscal year 2028; \$80,000,000 for fiscal year 2029; \$90,000,000 in fiscal year 2030; and \$100,000,000 for fiscal year 2031.

VI. ISSUES

The hearing may include discussion of the following questions:

- How would the proposed changes impact the CERCLA brownfields programs, and would proposed changes enhance recipients' use of Brownfields Grant Program funds?
- Would a loan program such as the one described in the Brownfields Infrastructure Finance and Innovation Act help maximize the value of funding and facilitate return of brownfields sites to productive use?
- How would the proposed legislation generate more interest in remediating and redeveloping brownfields sites?
- How would the proposed legislation help identify appropriate sites for crucial facilities needed to maintain national security and support economic leadership?

- Would the proposed legislation provide increased certainty and predictability to those potentially interested in remediating and redeveloping brownfields sites?
- How would the proposed legislation accelerate the remediation of contaminated sites?

VI. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Christen Harsha or Byron Brown of the Committee staff at (202) 225-3641.