

115TH CONGRESS
1ST SESSION

H. R. 1758

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to brownfield remediation grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2017

Ms. ESTY (for herself, Mr. KATKO, Mr. DEFazio, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to brownfield remediation grants, 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 Reauthor-
5 ization Act of 2017”.

1 **SEC. 2. INCREASED FUNDING LIMIT FOR DIRECT REMEDI-**
2 **ATION.**

3 Section 104(k)(3) of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9604(k)(3)) is amended by adding at the
6 end the following:

7 “(E) EXCEPTION.—If, in any fiscal year,
8 the amount appropriated under this subsection
9 exceeds \$200,000,000, a grant provided in that
10 fiscal year under subparagraph (A)(ii) may not
11 exceed \$600,000 for each site to be remedi-
12 ated.”.

13 **SEC. 3. 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)”; and

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

24 “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

25 “(A) IN GENERAL.—Subject to subpara-
26 graph (D) and paragraphs (5) and (6), the Ad-

1 administrator shall establish a program to provide
2 multipurpose grants to an eligible entity, based
3 on the considerations under paragraph (3)(C),
4 to carry out inventory, characterization, assess-
5 ment, planning, or remediation activities at 1 or
6 more brownfield sites in a proposed area.

7 “(B) GRANT AMOUNTS.—

8 “(i) INDIVIDUAL GRANT AMOUNTS.—

9 A grant awarded under this paragraph
10 may not exceed \$950,000.

11 “(ii) CUMULATIVE GRANT

12 AMOUNTS.—The total amount of grants
13 awarded for each fiscal year under this
14 paragraph may not exceed 15 percent of
15 the funds made available for the fiscal year
16 to carry out this subsection.

17 “(C) CRITERIA.—In awarding a grant
18 under this paragraph, the Administrator shall
19 consider the extent to which an eligible entity is
20 able—

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

1 “(ii) to demonstrate a capacity to con-
 2 duct the range of eligible activities that
 3 will be funded by the multipurpose grant;
 4 and

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

8 “(D) CONDITION.—As a condition of re-
 9 ceiving a grant under this paragraph, each eli-
 10 gible entity shall expend the full amount of the
 11 grant not later than the date that is 3 years
 12 after the date on which the grant is awarded to
 13 the eligible entity unless the Administrator, in
 14 the discretion of the Administrator, provides an
 15 extension.”.

16 **SEC. 4. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-**
 17 **ZATIONS.**

18 Section 104(k)(1) of the Comprehensive Environ-
 19 mental Response, Compensation, and Liability Act of
 20 1980 (42 U.S.C. 9604(k)(1)) is amended—

- 21 (1) in subparagraph (G) by striking “or” after
 22 the semicolon;
 23 (2) in subparagraph (H) by striking the period
 24 at the end and inserting a semicolon; and
 25 (3) by adding at the end the following:

1 “(I) an organization described in section
 2 501(c)(3) of the Internal Revenue Code of 1986
 3 and exempt from taxation under section 501(a)
 4 of that Code;

5 “(J) a limited liability corporation in which
 6 all managing members are organizations de-
 7 scribed in subparagraph (I) or limited liability
 8 corporations whose sole members are organiza-
 9 tions described in subparagraph (I);

10 “(K) a limited partnership in which all
 11 general partners are organizations described in
 12 subparagraph (I) or limited liability corpora-
 13 tions whose sole members are organizations de-
 14 scribed in subparagraph (I); or

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

18 **SEC. 5. ALLOWING ADMINISTRATIVE COSTS FOR GRANT**
 19 **RECIPIENTS.**

20 Paragraph (5) of section 104(k) of the Comprehen-
 21 sive Environmental Response, Compensation, and Liabil-
 22 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
 23 section 3(1) of this Act) is amended—

24 (1) in subparagraph (B)—

25 (A) in clause (i)—

- 1 (i) by striking subclause (III); and
2 (ii) by redesignating subclauses (IV)
3 and (V) as subclauses (III) and (IV), re-
4 spectively;
5 (B) by striking clause (ii);
6 (C) by redesignating clause (iii) as clause
7 (ii); and
8 (D) in clause (ii) (as so redesignated) by
9 striking “Notwithstanding clause (i)(IV)” and
10 inserting “Notwithstanding clause (i)(III)”; and
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 9 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 the costs of—

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

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

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

3 **SEC. 6. TREATMENT OF CERTAIN PUBLICLY OWNED**
4 **BROWNFIELD SITES.**

5 Section 104(k)(2) of the Comprehensive Environ-
6 mental Response, Compensation, and Liability Act of
7 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the
8 end the following:

9 “(C) EXEMPTION FOR CERTAIN PUBLICLY
10 OWNED BROWNFIELD SITES.—Notwithstanding
11 any other provision of law, an eligible entity
12 that is a governmental entity may receive a
13 grant under this paragraph for property ac-
14 quired by that governmental entity prior to
15 January 11, 2002, even if the governmental en-
16 tity does not qualify as a bona fide prospective
17 purchaser (as that term is defined in section
18 101(40)), so long as the eligible entity has not
19 caused or contributed to a release or threatened
20 release of a hazardous substance at the prop-
21 erty.”.

22 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

23 Paragraph (13) of section 104(k) of the Comprehen-
24 sive Environmental Response, Compensation, and Liabil-

1 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
2 section 3(1) of this Act) is amended to read as follows:

3 “(13) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$250,000,000 for each of the fiscal
6 years 2017 through 2022.”.

7 **SEC. 8. STATE RESPONSE PROGRAM FUNDING.**

8 Section 128(a)(3) of the Comprehensive Environ-
9 mental Response, Compensation, and Liability Act of
10 1980 (42 U.S.C. 9628(a)(3)) is amended by striking
11 “2006” and inserting “2022”.

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