

114TH CONGRESS
2D SESSION

H. R. 4463

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

FEBRUARY 4, 2016

Ms. ESTY (for herself and Mr. GIBSON) 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 2016”.

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

3 Section 104(k)(3)(A) of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9604(k)(3)(A)), is amended—

6 (1) by redesignating subparagraphs (B)
7 through (D) as paragraphs (C) through (E), respec-
8 tively; and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing:

11 “(B) EXCEPTION.—If, in any fiscal year,
12 the amount appropriated under this subsection
13 exceeds \$200,000,000, a grant provided under
14 subparagraph (A)(ii) shall not exceed \$300,000
15 for each site to be remediated.”.

16 **SEC. 3. MULTIPURPOSE BROWNFIELDS GRANTS.**

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

20 (1) by redesignating paragraphs (4) through
21 (12) as paragraphs (5) through (13), respectively;

22 (2) in paragraph (3)(A), by striking “Subject to
23 paragraphs (4) and (5)” and inserting “Subject to
24 paragraphs (5) and (6)”; and

25 (3) by inserting after paragraph (3) the fol-
26 lowing:

1 “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

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

10 “(B) GRANT AMOUNTS.—

11 “(i) INDIVIDUAL GRANT AMOUNTS.—
12 Each grant awarded under this paragraph
13 shall not exceed \$950,000.

14 “(ii) CUMULATIVE GRANT
15 AMOUNTS.—The total amount of grants
16 awarded for each fiscal year under this
17 paragraph shall not exceed 15 percent of
18 the funds made available for the fiscal year
19 to carry out this subsection.

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

24 “(i) to provide an overall plan for re-
25 vitalization of the 1 or more brownfield

1 sites in the proposed area in which the
2 multipurpose grant will be used;

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

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

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

18 **SEC. 4. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-**
19 **ZATIONS.**

20 Section 104(k)(1) of the Comprehensive Environ-
21 mental Response, Compensation, and Liability Act of
22 1980 (42 U.S.C. 9604(k)(1)) is amended—

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

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

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

4 “(I) an organization described in section
5 501(c)(3) of the Internal Revenue Code of 1986
6 and exempt from taxation under section 501(a)
7 of that Code;

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

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

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

21 **SEC. 5. ALLOWING ADMINISTRATIVE COSTS FOR GRANT**
22 **RECIPIENTS.**

23 Paragraph (5) 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—

3 (1) in subparagraph (B)—

4 (A) in clause (i)—

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

6 (ii) by redesignating subclauses (IV)
7 and (V) as subclauses (III) and (IV), re-
8 spectively;

9 (B) by striking clause (ii);

10 (C) by redesignating clause (iii) as clause
11 (ii); and

12 (D) in clause (ii) (as redesignated by sub-
13 paragraph (C)), by striking “Notwithstanding
14 clause (i)(IV)” and inserting “Notwithstanding
15 clause (i)(III)”; and

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

17 “(E) ADMINISTRATIVE COSTS.—

18 “(i) IN GENERAL.—An eligible entity
19 may use up to 8 percent of the amounts
20 made available under a grant or loan
21 under this subsection for administrative
22 costs.

23 “(ii) RESTRICTION.—For purposes of
24 clause (i), the term ‘administrative costs’
25 does not include—

1 “(I) investigation and identifica-
2 tion of the extent of contamination;
3 “(II) design and performance of
4 a response action; or
5 “(III) monitoring of a natural re-
6 source.”.

7 **SEC. 6. TREATMENT OF CERTAIN PUBLICLY OWNED**
8 **BROWNFIELD SITES.**

9 Section 104(k)(2) of the Comprehensive Environ-
10 mental Response, Compensation, and Liability Act of
11 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the
12 end the following:

13 “(C) EXEMPTION FOR CERTAIN PUBLICLY
14 OWNED BROWNFIELD SITES.—Notwithstanding
15 any other provision of law, an eligible entity
16 that is a governmental entity may receive a
17 grant under this paragraph for property ac-
18 quired by that governmental entity prior to
19 January 11, 2002, even if the governmental en-
20 tity does not qualify as a bona fide prospective
21 purchaser (as that term is defined in section
22 101(40)), so long as the eligible entity has not
23 caused or contributed to a release or threatened
24 release of a hazardous substance at the prop-
25 erty.”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 Amend section 104(k)(12) of the Comprehensive En-
3 vironmental Response, Compensation, and Liability Act of
4 1980 (42 U.S.C. 9604(k)(12)) to read as follows:

5 “(12) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 this subsection \$250,000,000 for each of the fiscal
8 years 2016 through 2021.”.

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

10 Section 128(a)(3) of the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980 (42 U.S.C. 9628(a)(3)) is amended by striking
13 “2006” and inserting “2021”.

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