

Calendar No. 214

118TH CONGRESS
1ST SESSION

S. 2959

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize brownfields revitalization funding, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2023

Mr. CARPER, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize 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 “Brownfields Reauthor-
5 ization Act of 2023”.

1 **SEC. 2. IMPROVING SMALL AND DISADVANTAGED COMMU-**
2 **NITY ACCESS TO GRANT OPPORTUNITIES.**

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

6 (1) in paragraph (1)(I), by inserting “or
7 501(c)(6)” after “section 501(c)(3)”;

8 (2) in paragraph (5), by striking subparagraph
9 (E);

10 (3) in paragraph (6)(C), by striking clause (ix)
11 and inserting the following:

12 “(ix) The extent to which the appli-
13 cant has a plan—

14 “(I) to engage a diverse set of
15 local groups and organizations that ef-
16 fectively represent the views of the
17 local community that will be directly
18 affected by the proposed brownfield
19 project; and

20 “(II) to meaningfully involve the
21 local community described in sub-
22 clause (I) in making decisions relating
23 to the proposed brownfield project.”;

24 (4) in paragraph (10)(B)(iii)—

25 (A) by striking “20 percent” and inserting
26 “10 percent”;

1 (B) by inserting “the eligible entity is lo-
2 cated in a small community or disadvantaged
3 area (as those terms are defined in section
4 128(a)(1)(B)(iv)) or” after “unless”; and

5 (C) by inserting “, in which case the Ad-
6 ministrator shall waive the matching share re-
7 quirement under this clause” before “; and”;
8 and

9 (5) in paragraph (13), by striking “2019
10 through 2023” and inserting “2024 through 2029”.

11 **SEC. 3. INCREASING GRANT AMOUNTS.**

12 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-
13 ronmental Response, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-
15 ing “\$500,000” and all that follows through the period
16 at the end and inserting “\$1,000,000 for each site to be
17 remediated.”.

18 **SEC. 4. STATE RESPONSE PROGRAMS.**

19 Section 128(a) of the Comprehensive Environmental
20 Response, Compensation, and Liability Act of 1980 (42
21 U.S.C. 9628(a)) is amended—

22 (1) in paragraph (1)(B)(i), by striking “or en-
23 hance” and inserting “, enhance, or implement”;
24 and

1 (2) by striking paragraph (3) and inserting the
2 following:

3 “(3) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 this subsection—

6 “(A) \$50,000,000 for fiscal year 2024;

7 “(B) \$55,000,000 for fiscal year 2025;

8 “(C) \$60,000,000 for fiscal year 2026;

9 “(D) \$65,000,000 for fiscal year 2027;

10 “(E) \$70,000,000 for fiscal year 2028; and

11 “(F) \$75,000,000 for fiscal year 2029.”.

12 **SEC. 5. REPORT TO IDENTIFY OPPORTUNITIES TO STREAM-**
13 **LINE APPLICATION PROCESS; UPDATING**
14 **GUIDANCE.**

15 (a) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator of the Envi-
17 ronmental Protection Agency (referred to in this section
18 as the “Administrator”) shall submit to Congress a report
19 that evaluates the application ranking criteria and ap-
20 proval process for grants and loans under section 104(k)
21 of the Comprehensive Environmental Response, Com-
22 pensation, and Liability Act of 1980 (42 U.S.C. 9604(k)),
23 which shall include, with respect to those grants and
24 loans—

1 (1) an evaluation of the shortcomings in the ex-
2 isting application requirements that are a recurring
3 source of confusion for potential recipients of those
4 grants or loans;

5 (2) an identification of the most common
6 sources of point deductions on application reviews;

7 (3) strategies to incentivize the submission of
8 applications from small communities and disadvan-
9 tagged areas (as those terms are defined in section
10 128(a)(1)(B)(iv) of that Act (42 U.S.C.
11 9628(a)(1)(B)(iv)); and

12 (4) recommendations, if any, to Congress on
13 suggested legislative changes to the ranking criteria
14 that would achieve the goal of streamlining the ap-
15 plication process for small communities and dis-
16 advantaged areas (as so defined).

17 (b) UPDATING GUIDANCE.—Not later than 1 year
18 after the date of enactment of this Act, the Administrator
19 shall update the guidance relating to the application rank-
20 ing criteria and approval process for grants and loans
21 under section 104(k) of the Comprehensive Environmental
22 Response, Compensation, and Liability Act of 1980 (42
23 U.S.C. 9604(k)) to reduce the complexity of the applica-
24 tion process while ensuring competitive integrity.

1 **SEC. 6. BROWNFIELD REVITALIZATION FUNDING FOR**
2 **ALASKA NATIVE TRIBES.**

3 Section 104(k)(1) of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9604(k)(1)) is amended—

6 (1) in subparagraph (G), by striking “other
7 than in Alaska”; and

8 (2) by striking subparagraph (H) and inserting
9 the following:

10 “(H) a Regional Corporation or a Village
11 Corporation (as those terms are defined in sec-
12 tion 3 of the Alaska Native Claims Settlement
13 Act (43 U.S.C. 1602));”.

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