

114TH CONGRESS  
2D SESSION

# S. 1479

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## AN ACT

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Brownfields Utiliza-  
3 tion, Investment, and Local Development Act of 2015” or  
4 the “BUILD Act”.

5 **SEC. 2. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-  
6 ZATIONS.**

7 Section 104(k)(1) of the Comprehensive Environ-  
8 mental Response, Compensation, and Liability Act of  
9 1980 (42 U.S.C. 9604(k)(1)) is amended—

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

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

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

15 “(I) an organization described in section  
16 501(c)(3) of the Internal Revenue Code of 1986  
17 and exempt from taxation under section 501(a)  
18 of that Code;

19 “(J) a limited liability corporation in which  
20 all managing members are organizations de-  
21 scribed in subparagraph (I) or limited liability  
22 corporations whose sole members are organiza-  
23 tions described in subparagraph (I);

24 “(K) a limited partnership in which all  
25 general partners are organizations described in  
26 subparagraph (I) or limited liability corpora-

1           tions whose sole members are organizations de-  
2           scribed in subparagraph (I); or

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

6 **SEC. 3. MULTIPURPOSE BROWNFIELDS GRANTS.**

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

10           (1) by redesignating paragraphs (4) through  
11           (9) and (10) through (12) as paragraphs (5)  
12           through (10) and (13) through (15), respectively;

13           (2) in paragraph (3)(A), by striking “subject to  
14           paragraphs (4) and (5)” and inserting “subject to  
15           paragraphs (5) and (6)”; and

16           (3) by inserting after paragraph (3) the fol-  
17           lowing:

18           “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

19           “(A) IN GENERAL.—Subject to subpara-  
20           graph (D) and paragraphs (5) and (6), the Ad-  
21           ministrators shall establish a program to provide  
22           multipurpose grants to an eligible entity based  
23           on the considerations under paragraph (3)(C),  
24           to carry out inventory, characterization, assess-

1           ment, planning, or remediation activities at 1 or  
2           more brownfield sites in a proposed area.

3           “(B) GRANT AMOUNTS.—

4                 “(i) INDIVIDUAL GRANT AMOUNTS.—

5           Each grant awarded under this paragraph  
6           shall not exceed \$950,000.

7                 “(ii)           CUMULATIVE           GRANT

8           AMOUNTS.—The total amount of grants  
9           awarded for each fiscal year under this  
10          paragraph shall not exceed 15 percent of  
11          the funds made available for the fiscal year  
12          to carry out this subsection.

13          “(C) CRITERIA.—In awarding a grant  
14          under this paragraph, the Administrator shall  
15          consider the extent to which an eligible entity is  
16          able—

17                 “(i) to provide an overall plan for re-  
18                 vitalization of the 1 or more brownfield  
19                 sites in the proposed area in which the  
20                 multipurpose grant will be used;

21                 “(ii) to demonstrate a capacity to con-  
22                 duct the range of eligible activities that  
23                 will be funded by the multipurpose grant;  
24                 and

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

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

12 **SEC. 4. TREATMENT OF CERTAIN PUBLICLY OWNED**  
13 **BROWNFIELD SITES.**

14          Section 104(k)(2) of the Comprehensive Environ-  
15          mental Response, Compensation, and Liability Act of  
16          1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the  
17          end the following:

18               “(C) EXEMPTION FOR CERTAIN PUBLICLY  
19               OWNED BROWNFIELD SITES.—Notwithstanding  
20               any other provision of law, an eligible entity  
21               that is a governmental entity may receive a  
22               grant under this paragraph for property ac-  
23               quired by that governmental entity prior to  
24               January 11, 2002, even if the governmental en-  
25               tity does not qualify as a bona fide prospective

1 purchaser (as that term is defined in section  
 2 101(40)), so long as the eligible entity has not  
 3 caused or contributed to a release or threatened  
 4 release of a hazardous substance at the prop-  
 5 erty.”.

6 **SEC. 5. INCREASED FUNDING FOR REMEDIATION GRANTS.**

7 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-  
 8 ronmental Response, Compensation, and Liability Act of  
 9 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-  
 10 ing “\$200,000 for each site to be remediated” and insert-  
 11 ing “\$500,000 for each site to be remediated, which limit  
 12 may be waived by the Administrator, but not to exceed  
 13 a total of \$650,000 for each site, based on the anticipated  
 14 level of contamination, size, or ownership status of the  
 15 site”.

16 **SEC. 6. ALLOWING ADMINISTRATIVE COSTS FOR GRANT**  
 17 **RECIPIENTS.**

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

22 (1) in subparagraph (B)—

23 (A) in clause (i)—

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

1 (ii) by redesignating subclauses (IV)  
2 and (V) as subclauses (III) and (IV), re-  
3 spectively;

4 (B) by striking clause (ii);

5 (C) by redesignating clause (iii) as clause  
6 (ii); and

7 (D) in clause (ii) (as redesignated by sub-  
8 paragraph (C)), by striking “Notwithstanding  
9 clause (i)(IV)” and inserting “Notwithstanding  
10 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 8 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—

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. 7. SMALL COMMUNITY TECHNICAL ASSISTANCE**  
4 **GRANTS.**

5 Paragraph (7)(A) of section 104(k) of the Com-  
6 prehensive Environmental Response, Compensation, and  
7 Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesi-  
8 gnated by section 3(1)) is amended—

9 (1) by striking “The Administrator may pro-  
10 vide,” and inserting the following:

11 “(i) DEFINITIONS.—In this subpara-  
12 graph:

13 “(I) DISADVANTAGED AREA.—  
14 The term ‘disadvantaged area’ means  
15 an area with an annual median house-  
16 hold income that is less than 80 per-  
17 cent of the State-wide annual median  
18 household income, as determined by  
19 the latest available decennial census.

20 “(II) SMALL COMMUNITY.—The  
21 term ‘small community’ means a com-  
22 munity with a population of not more  
23 than 15,000 individuals, as deter-  
24 mined by the latest available decennial  
25 census.

1           “(ii) ESTABLISHMENT OF PRO-  
2           GRAM.—The Administrator shall establish  
3           a program to provide grants that pro-  
4           vide,”; and

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

6           “(iii) SMALL OR DISADVANTAGED  
7           COMMUNITY RECIPIENTS.—

8                   “(I) IN GENERAL.—Subject to  
9                   subclause (II), in carrying out the  
10                  program under clause (ii), the Admin-  
11                  istrator shall use not more than  
12                  \$600,000 of the amounts made avail-  
13                  able to carry out this paragraph to  
14                  provide grants to States that receive  
15                  amounts under section 128(a) to as-  
16                  sist small communities, Indian tribes,  
17                  rural areas, or disadvantaged areas in  
18                  achieving the purposes described in  
19                  clause (ii).

20                   “(II) LIMITATION.—Each grant  
21                   awarded under subclause (I) shall be  
22                   not more than \$7,500.”.

23 **SEC. 8. WATERFRONT BROWNFIELDS GRANTS.**

24           Section 104(k) of the Comprehensive Environmental  
25           Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9604(k)) is amended by inserting after paragraph  
2 (10) (as redesignated by section 3(1)) the following:

3 “(11) WATERFRONT BROWNFIELD SITES.—

4 “(A) DEFINITION OF WATERFRONT  
5 BROWNFIELD SITE.—In this paragraph, the  
6 term ‘waterfront brownfield site’ means a  
7 brownfield site that is adjacent to a body of  
8 water or a federally designated floodplain.

9 “(B) REQUIREMENTS.—In providing  
10 grants under this subsection, the Administrator  
11 shall—

12 “(i) take into consideration whether  
13 the brownfield site to be served by the  
14 grant is a waterfront brownfield site; and

15 “(ii) give consideration to waterfront  
16 brownfield sites.”.

17 **SEC. 9. CLEAN ENERGY BROWNFIELDS GRANTS.**

18 Section 104(k) of the Comprehensive Environmental  
19 Response, Compensation, and Liability Act of 1980 (42  
20 U.S.C. 9604(k)) (as amended by section 8) is amended  
21 by inserting after paragraph (11) the following:

22 “(12) CLEAN ENERGY PROJECTS AT  
23 BROWNFIELD SITES.—

1           “(A) DEFINITION OF CLEAN ENERGY  
2 PROJECT.—In this paragraph, the term ‘clean  
3 energy project’ means—

4           “(i) a facility that generates renew-  
5 able electricity from wind, solar, or geo-  
6 thermal energy; and

7           “(ii) any energy efficiency improve-  
8 ment project at a facility, including com-  
9 bined heat and power and district energy.

10          “(B) ESTABLISHMENT.—The Adminis-  
11 trator shall establish a program to provide  
12 grants—

13          “(i) to eligible entities to carry out in-  
14 ventory, characterization, assessment,  
15 planning, feasibility analysis, design, or re-  
16 mediation activities to locate a clean en-  
17 ergy project at 1 or more brownfield sites;  
18 and

19          “(ii) to capitalize a revolving loan  
20 fund for the purposes described in clause  
21 (i).

22          “(C) MAXIMUM AMOUNT.—A grant under  
23 this paragraph shall not exceed \$500,000.”.

1 **SEC. 10. TARGETED FUNDING FOR STATES.**

2 Paragraph (15) of section 104(k) of the Comprehen-  
3 sive Environmental Response, Compensation, and Liabil-  
4 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by  
5 section 3(1)) is amended by adding at the end the fol-  
6 lowing:

7 “(C) TARGETED FUNDING.—Of the  
8 amounts made available under subparagraph  
9 (A) for a fiscal year, the Administrator may use  
10 not more than \$2,000,000 to provide grants to  
11 States for purposes authorized under section  
12 128(a), subject to the condition that each State  
13 that receives a grant under this subparagraph  
14 shall have used at least 50 percent of the  
15 amounts made available to that State in the  
16 previous fiscal year to carry out assessment and  
17 remediation activities under section 128(a).”.

18 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) BROWNFIELDS REVITALIZATION FUNDING.—  
20 Paragraph (15)(A) 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)) is amended by striking “2006” and inserting  
24 “2018”.

25 (b) STATE RESPONSE PROGRAMS.—Section  
26 128(a)(3) of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.  
2 9628(a)(3)) is amended by striking “2006” and inserting  
3 “2018”.

Passed the Senate June 27, 2016.

Attest:

*Secretary.*

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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