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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make certain improvements with respect to brownfield sites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make certain improvements with respect to brownfield sites, 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 Inventory
5 and Permitting Efficiency Act”.

1 **SEC. 2. INVENTORY OF BROWNFIELD SITES.**

2 (a) DEFINITIONS.—Section 101 of the Comprehen-
3 sive Environmental Response, Compensation, and Liabil-
4 ity Act of 1980 (42 U.S.C. 9601) is amended by adding
5 at the end the following new paragraph:

6 “(42) **NATIONALLY SIGNIFICANT INFRASTRUC-**
7 **TURE FACILITY.**—The term ‘nationally significant
8 infrastructure facility’ means a facility—

9 “(A) for the fabrication, assembly, testing,
10 advanced packaging, production, or research
11 and development of semiconductors (as defined
12 under section 9901 of the William M. (Mac)
13 Thornberry National Defense Authorization Act
14 for Fiscal Year 2021)), materials used to man-
15 ufacture semiconductors, or semiconductor
16 manufacturing equipment;

17 “(B) for the extraction, recovery, refining,
18 or processing of critical minerals (as defined in
19 section 7002 of the Energy Act of 2020) or
20 rare earth elements;

21 “(C) for artificial intelligence, including a
22 data center and any other infrastructure that
23 supports artificial intelligence; and

24 “(D) for energy generation.”.

25 (b) **INVENTORY OF BROWNFIELD SITES.**—Section
26 104 of the Comprehensive Environmental Response, Com-

1 pensionation, and Liability Act of 1980 (42 U.S.C. 9604) is
2 amended by adding at the end the following:

3 “(l) INVENTORY OF BROWNFIELD SITES.—

4 “(1) DATABASE.—

5 “(A) IN GENERAL.—The Administrator, in
6 cooperation with States and in consultation
7 with the heads of such other Federal depart-
8 ments and agencies as the Administrator deter-
9 mines relevant, shall maintain a publicly avail-
10 able database of brownfield sites that the Ad-
11 ministrator determines may be appropriate for
12 reuse for nationally significant infrastructure
13 facilities, taking into consideration the following
14 information with respect to each site:

15 “(i) The size of the site.

16 “(ii) The location of the site.

17 “(iii) The previous uses of the site.

18 “(iv) Access to power and water infra-
19 structure at the site.

20 “(v) The proximity of the site to
21 transportation infrastructure.

22 “(vi) Any other factors the Adminis-
23 trator determines necessary.

24 “(B) SOURCES FOR INCLUSION.—In main-
25 taining the database under subparagraph (A),

1 the Administrator shall consider for inclusion in
2 such database—

3 “(i) any site included on an inventory
4 submitted by a State pursuant to para-
5 graph (2)(A)(ii); and

6 “(ii) any other site identified by the
7 Administrator, in consultation with the
8 heads of such other Federal departments
9 and agencies as the Administrator deter-
10 mines relevant, for purposes of this sub-
11 section.

12 “(2) STATE COOPERATION.—

13 “(A) IN GENERAL.—Each State shall—

14 “(i) inventory brownfield sites located
15 within that State to identify brownfield
16 sites the State determines may be appro-
17 priate for reuse for nationally significant
18 infrastructure facilities; and

19 “(ii) submit to the Administrator the
20 inventory of brownfield sites identified
21 under clause (i), including, with respect to
22 each identified brownfield site, the infor-
23 mation specified in clauses (i) through (vi)
24 of paragraph (1)(A).

1 “(B) FUNDING.—For each award that a
2 State receives under subsection (k), the State
3 shall use at least 5 percent of the award to
4 carry out this subsection.”.

5 **SEC. 3. STREAMLINING PERMITTING ON BROWNFIELD**
6 **SITES.**

7 Section 104 of the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of 1980 (42
9 U.S.C. 9604) is further amended by adding at the end
10 the following new subsection:

11 “(m) PERMITTING ON BROWNFIELD SITES.—

12 “(1) NEPA EXEMPTION.—A Federal authoriza-
13 tion with respect to a nationally significant infra-
14 structure facility, located in full or in part on a cov-
15 ered brownfield location, may not be considered a
16 major Federal action under section 102(2)(C) of the
17 National Environmental Policy Act of 1969 (42
18 U.S.C. 4332(2)(C)).

19 “(2) GUIDANCE.—Not later than 1 year after
20 the date of enactment of the Brownfields Inventory
21 and Permitting Efficiency Act, the Administrator
22 shall develop guidance to assist Federal departments
23 and agencies in more efficiently issuing Federal au-
24 thorizations, and conducting environmental reviews

1 for such authorizations, with respect to projects con-
2 cerning brownfield sites.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) COVERED BROWNFIELD LOCATION.—
5 The term ‘covered brownfield location’ means a
6 site—

7 “(i) for which an eligible entity under
8 subsection (k) has received funding for ac-
9 tivities pursuant to programs authorized
10 under that subsection;

11 “(ii) included in the database main-
12 tained under subsection (l); and

13 “(iii) that was included on the Na-
14 tional Priorities List prior to being deleted.

15 “(B) FEDERAL AUTHORIZATION.—The
16 term ‘Federal authorization’, with respect to a
17 facility or project—

18 “(i) means any authorization required
19 under Federal law for the facility or
20 project; and

21 “(ii) includes any permits, special use
22 authorizations, certifications, opinions, or
23 other approvals as may be required under
24 Federal law for the facility or project.”.

1 **SEC. 4. NATIONAL PRIORITIES LIST DELETION.**

2 Section 105 of the Comprehensive Environmental Re-
3 sponse, Compensation, and Liability Act of 1980 (42
4 U.S.C. 960) is amended by adding at the end the following
5 new subsection:

6 “(i) STUDY.—The Comptroller General shall conduct
7 a study with respect to the process for the deletion or par-
8 tial deletion of sites from the National Priorities List in
9 order to identify any barriers to such deletion or partial
10 deletion, including a review of the following:

11 “(1) The process of coordination between Fed-
12 eral and State entities with respect to such deletion
13 or partial deletion.

14 “(2) Any impediments to timely and efficient
15 deletion or partial deletion of sites.

16 “(3) Opportunities to expedite the deletion or
17 partial deletion of sites with respect to which appli-
18 cable remedial action has been completed.”.