

Brownfields Reauthorization Act of 2023

Section-by-Section Summary

Section 1. Short Title.

This section provides that the Act may be cited as the “Brownfields Reauthorization Act of 2023.”

Section 2. Improving Small and Disadvantaged Community Access to Grant Opportunities.

This section amends the EPA’s authority to issue competitive grants to eligible entities for the brownfields sites’ redevelopment under CERCLA Section 104(k), (42 USC 9604(k) in five ways.

First, this section eliminates the existing 5 percent cap that grant recipients may use towards administrative costs.

Second, this section amends the ranking criteria for evaluating competitive brownfield grants to ensure applicants have a plan to meaningfully engage with community organizations on brownfield redevelopment decisions.

Third, this section reduces the cost-share requirements for grant recipients from 20 percent to 10 percent. It also provides an exemption from any cost-share requirements for small and disadvantaged communities.

Fourth, this section expands the definition of eligible entities to include organizations defined under section 501(c)(6) of the Internal Revenue Code in addition to 501(c)(3) organizations.

Finally, this section extends the existing funding authorization levels for fiscal years 2024 through 2029.

Section 3. Increasing Grant Amounts

This section increases the maximum grant amount that the Environmental Protection Agency (EPA) can award a recipient from \$500,000 to \$1,000,000 for each remediated site.

Section 4. State Response Programs

This section makes a technical amendment to section 128(a) of the Comprehensive Environmental, Response, Compensation, and Liability Act and reauthorizes section 128(a) for an additional six-year period for fiscal years 2024 through 2029. The authorization level increases by \$5 million per year, starting at \$50 million authorized in fiscal year 2024 to \$75 million in fiscal year 2029.

Section 5. Report to Identify Opportunities to Streamline Application Process; Updating Guidance.

This section directs the EPA Administrator to submit a report to Congress that evaluates the application ranking criteria and approval process. The report will look for shortcomings in the existing application process, identify common sources of applicants' point deductions, and determine strategies to incentivize applications from small communities and disadvantaged areas. This section also requires the EPA to subsequently update guidance relating to the application ranking criteria and the approval process for grants and loans to reduce the complexity of the application process while ensuring competitive integrity.