

## S 350

Brownfields Revitalization and Environmental Restoration Act of 2001

**Congress:** 107 (2001–2003, Ended)

**Chamber:** Senate

**Policy Area:** Environmental Protection

**Introduced:** Feb 15, 2001

**Current Status:** Subcommittee Hearings Held.

**Latest Action:** Subcommittee Hearings Held. (Jun 28, 2001)

**Official Text:** <https://www.congress.gov/bill/107th-congress/senate-bill/350>

### Sponsor

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**Name:** Sen. Chafee, Lincoln [R-RI]

**Party:** Republican • **State:** RI • **Chamber:** Senate

**Cosponsors** (69 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baucus, Max [D-MT]	D · MT		Feb 15, 2001
Sen. Boxer, Barbara [D-CA]	D · CA		Feb 15, 2001
Sen. Campbell, Ben Nighthorse [R-CO]	R · CO		Feb 15, 2001
Sen. Carper, Thomas R. [D-DE]	D · DE		Feb 15, 2001
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Feb 15, 2001
Sen. Corzine, Jon S. [D-NJ]	D · NJ		Feb 15, 2001
Sen. Graham, Bob [D-FL]	D · FL		Feb 15, 2001
Sen. Grassley, Chuck [R-IA]	R · IA		Feb 15, 2001
Sen. Lieberman, Joseph I. [D-CT]	D · CT		Feb 15, 2001
Sen. Reid, Harry [D-NV]	D · NV		Feb 15, 2001
Sen. Smith, Bob [R-NH]	R · NH		Feb 15, 2001
Sen. Specter, Arlen [R-PA]	R · PA		Feb 15, 2001
Sen. Warner, John [R-VA]	R · VA		Feb 15, 2001
Sen. Wyden, Ron [D-OR]	D · OR		Feb 15, 2001
Sen. Biden, Joseph R., Jr. [D-DE]	D · DE		Feb 28, 2001
Sen. Brownback, Sam [R-KS]	R · KS		Feb 28, 2001
Sen. Cleland, Max [D-GA]	D · GA		Feb 28, 2001
Sen. Collins, Susan M. [R-ME]	R · ME		Feb 28, 2001
Sen. DeWine, Mike [R-OH]	R · OH		Feb 28, 2001
Sen. Dodd, Christopher J. [D-CT]	D · CT		Feb 28, 2001
Sen. Dorgan, Byron L. [D-ND]	D · ND		Feb 28, 2001
Sen. Harkin, Tom [D-IA]	D · IA		Feb 28, 2001
Sen. Helms, Jesse [R-NC]	R · NC		Feb 28, 2001
Sen. Jeffords, James M. [R-VT]	R · VT		Feb 28, 2001
Sen. Landrieu, Mary L. [D-LA]	D · LA		Feb 28, 2001
Sen. Leahy, Patrick J. [D-VT]	D · VT		Feb 28, 2001
Sen. Levin, Carl [D-MI]	D · MI		Feb 28, 2001
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Feb 28, 2001
Sen. Reed, Jack [D-RI]	D · RI		Feb 28, 2001
Sen. Sarbanes, Paul S. [D-MD]	D · MD		Feb 28, 2001
Sen. Schumer, Charles E. [D-NY]	D · NY		Feb 28, 2001
Sen. Smith, Gordon H. [R-OR]	R · OR		Feb 28, 2001
Sen. Snowe, Olympia J. [R-ME]	R · ME		Feb 28, 2001
Sen. Stabenow, Debbie [D-MI]	D · MI		Feb 28, 2001
Sen. Allard, Wayne [R-CO]	R · CO		Mar 6, 2001
Sen. Bunning, Jim [R-KY]	R · KY		Mar 6, 2001
Sen. Daschle, Thomas A. [D-SD]	D · SD		Mar 6, 2001
Sen. Domenici, Pete V. [R-NM]	R · NM		Mar 6, 2001
Sen. Fitzgerald, Peter [R-IL]	R · IL		Mar 6, 2001
Sen. Frist, William H. [R-TN]	R · TN		Mar 6, 2001
Sen. Hutchinson, Tim [R-AR]	R · AR		Mar 6, 2001

Cosponsor	Party / State	Role	Date Joined
Sen. Kennedy, Edward M. [D-MA]	D · MA		Mar 6, 2001
Sen. McCain, John [R-AZ]	R · AZ		Mar 6, 2001
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Mar 6, 2001
Sen. Murray, Patty [D-WA]	D · WA		Mar 6, 2001
Sen. Santorum, Rick [R-PA]	R · PA		Mar 6, 2001
Sen. Edwards, John [D-NC]	D · NC		Mar 8, 2001
Sen. Sessions, Jeff [R-AL]	R · AL		Mar 8, 2001
Sen. Akaka, Daniel K. [D-HI]	D · HI		Mar 12, 2001
Sen. Breaux, John B. [D-LA]	D · LA		Mar 12, 2001
Sen. Durbin, Richard J. [D-IL]	D · IL		Mar 12, 2001
Sen. Gregg, Judd [R-NH]	R · NH		Mar 12, 2001
Sen. Kerry, John F. [D-MA]	D · MA		Mar 12, 2001
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Mar 12, 2001
Sen. Torricelli, Robert G. [D-NJ]	D · NJ		Mar 12, 2001
Sen. Bayh, Evan [D-IN]	D · IN		Mar 15, 2001
Sen. Byrd, Robert C. [D-WV]	D · WV		Mar 15, 2001
Sen. Cantwell, Maria [D-WA]	D · WA		Mar 15, 2001
Sen. Cochran, Thad [R-MS]	R · MS		Mar 15, 2001
Sen. Dayton, Mark [D-MN]	D · MN		Mar 20, 2001
Sen. Lugar, Richard G. [R-IN]	R · IN		Mar 20, 2001
Sen. Allen, George [R-VA]	R · VA		Apr 5, 2001
Sen. Bingaman, Jeff [D-NM]	D · NM		Apr 5, 2001
Sen. Thompson, Fred [R-TN]	R · TN		Apr 5, 2001
Sen. Feinstein, Dianne [D-CA]	D · CA		Apr 24, 2001
Sen. McConnell, Mitch [R-KY]	R · KY		Apr 24, 2001
Sen. Gramm, Phil [R-TX]	R · TX		Apr 25, 2001
Sen. Johnson, Tim [D-SD]	D · SD		Apr 25, 2001
Sen. Wellstone, Paul D. [D-MN]	D · MN		Apr 25, 2001

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Hearings By (subcommittee)	Jun 28, 2001
Environment and Public Works Committee	Senate	Hearings By (subcommittee)	Feb 28, 2001
Transportation and Infrastructure Committee	House	Referred to	Apr 27, 2001

### Subjects & Policy Tags

#### Policy Area:

Environmental Protection

### Related Bills

Bill	Relationship	Last Action
107 HR 2869	Related bill	<b>Jan 11, 2002:</b> Became Public Law No: 107-118.

**Brownfields Revitalization and Environmental Restoration Act of 2001 - Title I: Brownfields Revitalization Funding** - Amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to provide for grants to eligible entities (including local government units, redevelopment agencies, States, and Indian tribes) for inventorying, characterizing, assessing, remediating, and conducting planning related to brownfield sites. Defines a "brownfield site," with exceptions, as real property, the expansion, redevelopment, or reuse of which is complicated by the presence or potential presence of a hazardous substance or pollutant. Includes within such definition a site: (1) that is contaminated by a controlled substance; (2) that is contaminated by petroleum or a petroleum product excluded from the CERCLA definition of "hazardous substance" which is determined to be of relatively low risk, that is a site for which there is no viable responsible party and which will be cleaned up by a person not potentially liable, and that is not subject to a specified order under the Solid Waste Disposal Act; or (3) that is mine-scarred land. Authorizes appropriations. Requires at least 25 percent of such funding to be used for petroleum-contaminated sites.

**Title II: Brownfields Liability Clarifications** - Exempts from liability under CERCLA certain owners of real property contiguous to property on which there has been a hazardous substance release or threatened release that is not owned by such persons.

(Sec. 202) Absolves from liability for response actions bona fide prospective purchasers to the extent liability at a facility for a release or threat thereof is based solely on ownership or operation of a facility. Gives a lien upon a facility to the United States for unrecovered response costs in any case for which the owner is not liable by reason of this section and the facility's fair market value has increased above that which existed before the action was taken.

(Sec. 203) Deems a person, with respect to defenses to liability of an owner of after-acquired property, to have undertaken appropriate inquiry into the property's previous ownership and uses if the person demonstrates that inquiries were undertaken in accordance with specified requirements (for property purchased after May 31, 1997, compliance with an American Society for Testing and Materials standard until standards are issued by the Administrator of the Environmental Protection Agency). Deems the appropriate inquiry requirements to be satisfied by a facility inspection and title search that reveal no basis for further investigation in the case of property for residential or similar use purchased by a nongovernmental or noncommercial entity.

**Title III: State Response Programs** -Adds CERCLA provisions authorizing the Administrator to award grants to States or Indian tribes to establish or enhance response programs comprised of elements including survey and inventory of brownfield sites, public participation opportunities, oversight and enforcement authorities, and certification mechanisms. Authorizes appropriations.

Restricts authority to take enforcement actions under CERCLA in cases of hazardous substance releases addressed by a State response plan. Authorizes the President to bring enforcement actions in certain instances, including cases where a State requests assistance, there is migration of contamination across State lines or onto Federal property, or there is an imminent and substantial endangerment to public health or welfare or the environment and additional response actions are likely to be necessary.

Makes restrictions on the President's authority to take such actions applicable only at sites in States that maintain, update at least annually, and make publicly available a record of sites at which response actions have been completed in the previous year and are planned to be addressed under the State response program in the upcoming year. Applies enforcement action requirements only to response actions conducted after February 15, 2001.

(Sec. 302) Requires the President to defer final listing of an eligible response site on the National Priorities List if the

State is conducting a response action in compliance with a State response program that will provide long-term health and environmental protection or is actively pursuing an agreement to perform such an action with a capable person. Requires reasonable progress toward completion of actions for deferral of listing. Permits the President to decline to defer, or discontinue a deferral if: (1) deferral would be inappropriate because the State, as an owner, operator, or significant contributor is a potentially responsible party; (2) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or (3) the other conditions under this section for deferral are no longer being met.

## Actions Timeline

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- **Jun 28, 2001:** Subcommittee Hearings Held.
- **May 4, 2001:** Referred to the Subcommittee on Environment and Hazardous Materials.
- **Apr 27, 2001:** Referred to the Subcommittee on Water Resources and Environment.
- **Apr 26, 2001:** Message on Senate action sent to the House.
- **Apr 26, 2001:** Received in the House.
- **Apr 26, 2001:** 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.
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- **Apr 25, 2001:** Measure laid before Senate by unanimous consent. (consideration: CR S3879-3912)
- **Apr 25, 2001:** The committee substitute as amended agreed to by Unanimous Consent.
- **Apr 25, 2001:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 99 - 0. Record Vote Number: 87.(text: CR S3907-3912)
- **Apr 25, 2001:** Passed Senate with an amendment by Yea-Nay Vote. 99 - 0. Record Vote Number: 87. (text: CR S3907-3912)
- **Apr 25, 2001:** Measure amended in Senate by unanimous consent after passage.
- **Mar 13, 2001:** Star Print ordered on the reported bill.
- **Mar 12, 2001:** Committee on Environment and Public Works. Reported by Senator Smith, of NH with an amendment in the nature of a substitute. With written report No. 107-2. Additional and Minority views filed.(text of measure as reported in Senate: CR 4/25/2001 S3879-3884)
- **Mar 12, 2001:** Committee on Environment and Public Works. Reported by Senator Smith, of NH with an amendment in the nature of a substitute. With written report No. 107-2. Additional and Minority views filed. (text of measure as reported in Senate: CR 4/25/2001 S3879-3884)
- **Mar 12, 2001:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 19.
- **Mar 8, 2001:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 27, 2001:** Committee on Environment and Public Works Subcommittee on Superfund, Toxics, Risk, and Waste Management. Hearings held. With printed Hearing: S.Hrg. 107-76.
- **Feb 15, 2001:** Introduced in Senate
- **Feb 15, 2001:** Sponsor introductory remarks on measure. (CR S1481, S1486-1489)
- **Feb 15, 2001:** Read twice and referred to the Committee on Environment and Public Works. (text of measure as introduced: CR S1481-1486)