

117TH CONGRESS
1ST SESSION

H. R. 314

To authorize the Administrator of the Environmental Protection Agency to enter into cooperative agreements with States to carry out grant programs to assist in remediation and relocation efforts relating to hazardous air pollution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2021

Mr. RICHMOND introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and 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

A BILL

To authorize the Administrator of the Environmental Protection Agency to enter into cooperative agreements with States to carry out grant programs to assist in remediation and relocation efforts relating to hazardous air pollution, 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 “Communities and En-
5 vironment First Act of 2021”.

1 **SEC. 2. FOR COMMUNITIES TRUST FUND.**

2 (a) ESTABLISHMENT OF FUND.—

3 (1) IN GENERAL.—Subchapter A of chapter 98
4 of the Internal Revenue Code of 1986 is amended by
5 adding at the end the following new section:

6 **“SEC. 9512. FOR COMMUNITIES TRUST FUND.**

7 “(a) CREATION OF TRUST FUND.—There is estab-
8 lished in the Treasury of the United States a trust fund,
9 to be known as the For Communities Trust Fund, con-
10 sisting of such amounts as may be made available to such
11 Trust Fund as provided in this section or section 9602(b).

12 “(b) TRANSFERS TO TRUST FUND.—For each of fis-
13 cal years 2022 through 2032, there are authorized to be
14 transferred to the For Communities Trust Fund amounts
15 equivalent to the taxes received in the Treasury under sec-
16 tions 4661 and 4671.

17 “(c) EXPENDITURES.—Amounts in the For Commu-
18 nities Trust Fund shall be made available without further
19 appropriation to carry out section 6 of the Communities
20 and Environment First Act of 2021.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for subchapter A of chapter 98 of such Code is amended
23 by adding at the end the following new item:

“Sec. 9512. For Communities Trust Fund.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 3. SECTION 4661 TAXES TRANSFERRED TO FOR COMMUNITIES TRUST FUND ONLY.

(a) IN GENERAL.—Section 9507(b)(1) of the Internal Revenue Code of 1986 is amended by striking “, 4661, or 4671”.

(b) CONFORMING AMENDMENT.—Section 4661 of such Code is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes imposed after December 31, 2021.

SEC. 4. MODIFICATION OF CHEMICAL EXCISE TAXES.

(a) ADJUSTMENT FOR INFLATION OF EXCISE TAX ON CERTAIN CHEMICALS.—Section 4661(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

“In the case of:	The tax is the following amount per ton:
Acetylene	\$11.35
Benzene	11.35
Butane	11.35
Butylene	11.35
Butadiene	11.35
Ethylene	11.35
Methane	8.02

“In the case of:	The tax is the following amount per ton:
Naphthalene	11.35
Propylene	11.35
Toluene	11.35
Xylene	11.35
Ammonia	6.15
Antimony	10.37
Antimony trioxide	8.74
Arsenic	10.37
Arsenic trioxide	7.95
Barium sulfide	5.36
Bromine	10.37
Cadmium	10.37
Chlorine	6.29
Chromium	10.37
Chromite	3.54
Potassium dichromate	3.94
Sodium dichromate	4.36
Cobalt	10.37
Cupric sulfate	4.36
Cupric oxide	8.37
Cuprous oxide	9.25
Hydrochloric acid	0.68
Hydrogen fluoride	9.86
Lead oxide	9.65
Mercury	10.37
Nickel	10.37
Phosphorus	10.37
Stannous chloride	6.64
Stannic chloride	4.94
Zinc chloride	5.17
Zinc sulfate	4.43
Potassium hydroxide	0.51
Sodium hydroxide	0.65
Sulfuric acid	0.61
Nitric acid	0.56.

- 1 “(2) ADJUSTMENT FOR INFLATION.—
- 2 “(A) IN GENERAL.—In the case of a cal-
- 3 endar year beginning after 2022, each of the
- 4 amounts in the table in paragraph (1) shall be
- 5 increased by an amount equal to—
- 6 “(i) such amount, multiplied by

1 “(ii) the cost-of-living adjustment de-
 2 termined under section 1(f)(3) for the cal-
 3 endar year, determined by substituting
 4 ‘calendar year 2021’ for ‘calendar year
 5 2016’ in subparagraph (A)(ii) thereof.

6 “(B) ROUNDING.—If any amount as ad-
 7 justed under subparagraph (A) is not a multiple
 8 of \$0.01, such amount shall be rounded to the
 9 next lowest multiple of \$0.01.”.

10 (b) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to taxes imposed after December
 12 31, 2021.

13 **SEC. 5. SECTION 4671 TAX REVIVED WITH RESPECT TO CER-**
 14 **TAIN CHEMICALS.**

15 (a) IN GENERAL.—Section 4671 of the Internal Rev-
 16 enue Code of 1986 is amended—

17 (1) in subsection (a), by striking “substance
 18 sold or used by the importer thereof.” and inserting
 19 “substance—

20 “(1) sold or used by the importer thereof, and

21 “(2) described in the table in section 4661(b).”,

22 (2) by amending subsection (c) to read as fol-
 23 lows:

24 “(c) EXEMPTIONS FOR SUBSTANCES TAXED UNDER
 25 SECTION 4661.—No tax shall be imposed by this section

1 on the sale or use of any substance if tax is imposed on
2 such sale or use under section 4661.”, and

3 (3) by striking subsection (e).

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to taxes imposed after December
6 31, 2021.

7 **SEC. 6. STATE GRANT PROGRAMS.**

8 (a) ALLOCATION OF FUNDS.—The Administrator of
9 the Environmental Protection Agency shall, from amounts
10 made available to carry out this section for a fiscal year,
11 award grants on a competitive basis to States that have
12 entered into a cooperative agreement with the Adminis-
13 trator to carry out a grant program described in sub-
14 section (b).

15 (b) GRANT PROGRAM.—A State may use amounts
16 awarded to such State pursuant to subsection (a) only to
17 carry out a grant program to make grants to entities—

18 (1) to assist in relocation efforts for individuals
19 or groups of individuals who live within 5 miles of
20 a designated facility; or

21 (2) to protect or remediate areas affected by
22 emissions of hazardous air pollutants, or releases of
23 hazardous substances, pollutants, or contaminants,
24 from a designated facility.

1 (c) ELIGIBILITY.—In order to receive a grant under
2 a grant program described in subsection (b), an entity—

3 (1) shall propose to use the grant to carry out
4 a project—

5 (A) to assist in relocation efforts for indi-
6 viduals or groups of individuals who live within
7 5 miles of a designated facility; or

8 (B) to protect or remediate an area af-
9 fected by emissions of hazardous air pollutants,
10 or releases of hazardous substances, pollutants,
11 or contaminants, from a designated facility; and

12 (2) shall be a nonprofit organization, or institu-
13 tion of higher education, with an environmentally-fo-
14 cused mission.

15 (d) INCLUSION OF ACQUISITION OF PROPERTY.—As-
16 sistance for relocation efforts that is provided using a
17 grant received under a grant program described in sub-
18 section (b) may include acquisition of property—

19 (1) for an individual or group of individuals de-
20 scribed in subsection (b)(1); or

21 (2) owned by an individual or group of individ-
22 uals described in subsection (b)(1).

23 (e) PRIORITY.—In making grants under a grant pro-
24 gram described in subsection (b), a State shall give pri-

1 ority to individuals and groups of individuals that reside
 2 closest to a designated facility.

3 (f) REVIEW BY PUBLIC HEALTH OFFICIALS.—A
 4 State carrying out a grant program described in sub-
 5 section (b) shall ensure that public health officials of such
 6 State review any health-related data submitted in support
 7 of an application for a grant under such grant program.

8 (g) DEFINITIONS.—In this section—

9 (1) DESIGNATED FACILITY.—The term “des-
 10 ignated facility” means a facility or site—

11 (A) that is not owned by the Federal Gov-
 12 ernment; and

13 (B) that is—

14 (i) a major source or an area source,
 15 as defined in section 112 of the Clean Air
 16 Act (42 U.S.C. 7412), to which emissions
 17 standards promulgated under such section
 18 112 apply; or

19 (ii) listed on the National Priorities
 20 List under section 105 of the Comprehen-
 21 sive Environmental Response, Compensa-
 22 tion, and Liability Act of 1980 (42 U.S.C.
 23 9605).

24 (2) HAZARDOUS AIR POLLUTANT.—The term
 25 “hazardous air pollutant” has the meaning given

1 such term in section 112(a)(6) of the Clean Air Act
2 (42 U.S.C. 7412(a)(6)).

3 (3) HAZARDOUS SUBSTANCE.—The term “haz-
4 ardous substance” has the meaning given such term
5 in section 101 of the Comprehensive Environmental
6 Response, Compensation, and Liability Act of 1980
7 (42 U.S.C. 9601).

8 (4) STATE.—The term “State” means each
9 State of the United States, the District of Columbia,
10 and each territory of the United States.

11 (h) REGULATIONS AND GUIDANCE.—The Adminis-
12 trator may issue such regulations and guidance as are nec-
13 essary to implement a grant program under this section.

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