

107TH CONGRESS
2^D SESSION

H. R. 4894

To amend Public Works and Economic Development Act of 1965 to provide assistance for brownfield site redevelopment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2002

Mr. QUINN (for himself, Mr. MEEHAN, Mr. MCHUGH, Mr. PASCRELL, Mr. LEACH, Mr. SIMMONS, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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 amend Public Works and Economic Development Act of 1965 to provide assistance for brownfield site redevelopment, 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 “Brownfield Site Rede-
5 velopment Assistance Act of 2002”.

1 **SEC. 2. PURPOSES.**

2 Consistent with section 2 of the Public Works and
3 Economic Development Act of 1965 (42 U.S.C. 3121), the
4 purposes of this Act are—

5 (1) to provide targeted assistance, including
6 planning assistance, for projects that promote—

7 (A) the redevelopment, restoration, and
8 economic recovery of brownfield sites; and

9 (B) eco-industrial development; and

10 (2) through such assistance, to further the
11 goals of restoring the employment and tax bases of,
12 and bringing new income and private investment to,
13 distressed communities that have not participated
14 fully in the economic growth of the United States
15 because of a lack of an adequate private sector tax
16 base to support essential public services and facili-
17 ties.

18 **SEC. 3. DEFINITIONS.**

19 Section 3 of the Public Works and Economic Devel-
20 opment Act of 1965 (42 U.S.C. 3122) is amended—

21 (1) by redesignating paragraphs (1), (2), and
22 (3) through (10) as paragraphs (2), (3), and (5)
23 through (12), respectively;

24 (2) by inserting before paragraph (2) (as so re-
25 designated) the following:

26 “(1) BROWNFIELD SITE.—

1 “(A) IN GENERAL.—The term ‘brownfield
2 site’ means real property, the expansion, rede-
3 velopment, or reuse of which may be com-
4 plicated by the presence or potential presence
5 of—

6 “(i) a hazardous substance (as defined
7 in section 101 of the Comprehensive Envi-
8 ronmental Response, Compensation, and
9 Liability Act of 1980 (42 U.S.C. 9601));
10 or

11 “(ii) any other pollutant or contami-
12 nant, as determined by the Secretary, in
13 consultation with the Administrator of the
14 Environmental Protection Agency.

15 “(B) EXCLUSIONS.—Except as provided in
16 subparagraph (C), the term ‘brownfield site’
17 does not include—

18 “(i) a facility that is the subject of a
19 planned or ongoing removal action under
20 the Comprehensive Environmental Re-
21 sponse, Compensation, and Liability Act of
22 1980 (42 U.S.C. 9601 et seq.);

23 “(ii) a facility that is listed on the Na-
24 tional Priorities List, or is proposed for
25 listing on that list, under that Act;

1 “(iii) a facility that is the subject of
2 a unilateral administrative order, a court
3 order, an administrative order on consent,
4 or a judicial consent decree that has been
5 issued to or entered into by the parties
6 under that Act;

7 “(iv) a facility that is the subject of a
8 unilateral administrative order, a court
9 order, an administrative order on consent,
10 or a judicial consent decree that has been
11 issued to or entered into by the parties, or
12 a facility to which a permit has been issued
13 by the United States or an authorized
14 State, under—

15 “(I) the Solid Waste Disposal
16 Act (42 U.S.C. 6901 et seq.);

17 “(II) the Federal Water Pollution
18 Control Act (33 U.S.C. 1251 et seq.);

19 “(III) the Toxic Substances Con-
20 trol Act (15 U.S.C. 2601 et seq.); or

21 “(IV) the Safe Drinking Water
22 Act (42 U.S.C. 300f et seq.);

23 “(v) a facility—

24 “(I) that is subject to corrective
25 action under section 3004(u) or

1 3008(h) of the Solid Waste Disposal
2 Act (42 U.S.C. 6924(u), 6928(h));
3 and

4 “(II) to which a corrective action
5 permit or order has been issued or
6 modified to require the implementa-
7 tion of corrective measures;

8 “(vi) a land disposal unit with respect
9 to which—

10 “(I) a closure notification under
11 subtitle C of the Solid Waste Disposal
12 Act (42 U.S.C. 6921 et seq.) has been
13 submitted; and

14 “(II) closure requirements have
15 been specified in a closure plan or
16 permit;

17 “(vii) a facility that is subject to the
18 jurisdiction, custody, or control of a de-
19 partment, agency, or instrumentality of the
20 United States, except for land held in trust
21 by the United States for an Indian tribe;

22 “(viii) a portion of a facility—

23 “(I) at which there has been a
24 release of polychlorinated biphenyls;
25 and

1 “(II) that is subject to remedi-
2 ation under the Toxic Substances
3 Control Act (15 U.S.C. 2601 et seq.);
4 or

5 “(ix) a portion of a facility, for which
6 portion, assistance for response activity
7 has been obtained under subtitle I of the
8 Solid Waste Disposal Act (42 U.S.C. 6991
9 et seq.) from the Leaking Underground
10 Storage Tank Trust Fund established by
11 section 9508 of the Internal Revenue Code
12 of 1986.

13 “(C) SITE-BY-SITE INCLUSIONS.—The
14 term ‘brownfield site’ includes a site referred to
15 in clause (i), (iv), (v), (vi), (viii), or (ix) of sub-
16 paragraph (B), if, on a site-by-site basis, the
17 Secretary, in consultation with the Adminis-
18 trator of the Environmental Protection Agency,
19 determines that use of the financial assistance
20 at the site will—

21 “(i) protect human health and the en-
22 vironment; and

23 “(ii)(I) promote economic develop-
24 ment;

1 “(II) enable the creation of, preserva-
2 tion of, or addition to parks, greenways,
3 undeveloped property, other recreational
4 property, or other property used for non-
5 profit purposes; or

6 “(III) promote eco-industrial develop-
7 ment.

8 “(D) ADDITIONAL INCLUSIONS.—The term
9 ‘brownfield site’ includes a site that meets the
10 definition of ‘brownfield site’ under subpara-
11 graphs (A) through (C) that—

12 “(i) is contaminated by a controlled
13 substance (as defined in section 102 of the
14 Controlled Substances Act (21 U.S.C.
15 802));

16 “(ii)(I) is contaminated by petroleum
17 or a petroleum product excluded from the
18 definition of ‘hazardous substance’ under
19 section 101 of the Comprehensive Environ-
20 mental Response, Compensation, and Li-
21 ability Act of 1980 (42 U.S.C. 9601);

22 “(II) is a site determined by the Sec-
23 retary, in consultation with the Adminis-
24 trator of the Environmental Protection
25 Agency, to be—

1 “(aa) of relatively low risk, as
2 compared with other petroleum-only
3 sites in the State in which the site is
4 located; and

5 “(bb) a site for which there is no
6 viable responsible party and that will
7 be assessed, investigated, or cleaned
8 up by a person that is not potentially
9 liable for cleaning up the site; and

10 “(III) is not subject to any order
11 issued under section 9003(h) of the Solid
12 Waste Disposal Act (42 U.S.C. 6991b(h));
13 or

14 “(iii) is mine-scarred land.”;

15 (3) by inserting after paragraph (3) (as redesign-
16 ated by paragraph (1)) the following:

17 “(4) ECO-INDUSTRIAL DEVELOPMENT.—The
18 term ‘eco-industrial development’ means develop-
19 ment conducted in a manner in which businesses co-
20 operate with each other and the local community to
21 efficiently share resources (such as information, ma-
22 terials, water, energy infrastructure, and natural
23 habitat) with the goals of—

24 “(A) economic gains;

25 “(B) improved environmental quality; and

1 “(C) equitable enhancement of human re-
2 sources in businesses and local communities.”;

3 and

4 (4) by adding at the end the following:

5 “(13) UNUSED LAND.—The term ‘unused land’
6 means any publicly-owned or privately-owned un-
7 used, underused, or abandoned land that is not con-
8 tributing to the quality of life or economic well-being
9 of the community in which the land is located.”.

10 **SEC. 4. COORDINATION.**

11 Section 103 of the Public Works and Economic De-
12 velopment Act of 1965 (42 U.S.C. 3132) is amended—

13 (1) by inserting “(a) COMPREHENSIVE ECO-
14 NOMIC DEVELOPMENT STRATEGIES.—” before “The
15 Secretary”; and

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

17 “(b) BROWNFIELD SITE REDEVELOPMENT.—The
18 Secretary shall coordinate activities relating to the redevel-
19 opment of brownfield sites and the promotion of eco-indus-
20 trial development under this Act with other Federal agen-
21 cies, States, local governments, consortia of local govern-
22 ments, Indian tribes, nonprofit organizations, and public-
23 private partnerships.”.

1 **SEC. 5. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.**

2 (a) IN GENERAL.—Title II of the Public Works and
3 Economic Development Act of 1965 (42 U.S.C. 3141 et
4 seq.) is amended—

5 (1) by redesignating sections 210 through 213
6 as sections 211 through 214, respectively; and

7 (2) by inserting after section 209 the following:

8 **“SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOP-**
9 **MENT.**

10 “(a) IN GENERAL.—On the application of an eligible
11 recipient, the Secretary may make grants for projects to
12 alleviate or prevent conditions of excessive unemployment,
13 underemployment, blight, and infrastructure deterioration
14 associated with brownfield sites, including projects con-
15 sisting of—

16 “(1) development of public facilities;

17 “(2) development of public services;

18 “(3) business development (including funding of
19 a revolving loan fund);

20 “(4) planning;

21 “(5) technical assistance; and

22 “(6) training.

23 “(b) CRITERIA FOR GRANTS.—The Secretary may
24 provide a grant for a project under this section only if—

25 “(1) the Secretary determines that the project
26 will assist the area where the project is or will be lo-

1 cated to meet, directly or indirectly, a special need
2 arising from—

3 “(A) a high level of unemployment or
4 underemployment, or a high proportion of low-
5 income households;

6 “(B) the existence of blight and infrastruc-
7 ture deterioration;

8 “(C) dislocations resulting from commer-
9 cial or industrial restructuring;

10 “(D) outmigration and population loss, as
11 indicated by—

12 “(i)(I) depletion of human capital (in-
13 cluding young, skilled, or educated popu-
14 lations);

15 “(II) depletion of financial capital (in-
16 cluding firms and investment); or

17 “(III) a shrinking tax base; and

18 “(ii) resulting—

19 “(I) fiscal pressure;

20 “(II) restricted access to mar-
21 kets; and

22 “(III) constrained local develop-
23 ment potential; or

24 “(E) the closure or realignment of—

1 “(i) a military or Department of En-
2 ergy installation; or

3 “(ii) any other Federal facility; and

4 “(2) except in the case of a project consisting
5 of planning or technical assistance—

6 “(A) the Secretary has approved a com-
7 prehensive economic development strategy for
8 the area where the project is or will be located;
9 and

10 “(B) the project is consistent with the
11 comprehensive economic development strategy.

12 “(c) PARTICULAR COMMUNITY ASSISTANCE.—Assist-
13 ance under this section may include assistance provided
14 for activities identified by a community, the economy of
15 which is injured by the existence of 1 or more brownfield
16 sites, to assist the community in—

17 “(1) revitalizing affected areas by—

18 “(A) diversifying the economy of the com-
19 munity; or

20 “(B) carrying out industrial or commercial
21 (including mixed use) redevelopment, or eco-in-
22 dustrial development, projects on brownfield
23 sites or sites adjacent to brownfield sites;

24 “(2) carrying out development that conserves
25 environmental and agricultural resources by—

1 “(A) reusing existing facilities and infra-
2 structure;

3 “(B) reclaiming unused land and aban-
4 doned buildings; or

5 “(C) promoting eco-industrial development,
6 and environmentally responsible development, of
7 brownfield sites; or

8 “(3) carrying out a collaborative economic de-
9 velopment planning process, developed with broad-
10 based and diverse community participation, that ad-
11 dresses the economic repercussions and opportunities
12 posed by the existence of brownfield sites in an area.

13 “(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY
14 ELIGIBLE RECIPIENT.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 an eligible recipient of a grant under this section
17 may directly expend the grant funds or may redis-
18 tribute the funds to public and private entities in the
19 form of a grant, loan, loan guarantee, payment to
20 reduce interest on a loan guarantee, or other appro-
21 priate assistance.

22 “(2) LIMITATION.—Under paragraph (1), an el-
23 igible recipient may not provide any grant to a pri-
24 vate for-profit entity.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents in section 1(b) of the Public Works and Economic
 3 Development Act of 1965 (42 U.S.C. prec. 3121) is
 4 amended by striking the items relating to sections 210
 5 through 213 and inserting the following:

“Sec. 210. Grants for brownfield site redevelopment.

“Sec. 211. Changed project circumstances.

“Sec. 212. Use of funds in projects constructed under projected cost.

“Sec. 213. Reports by recipients.

“Sec. 214. Prohibition on use of funds for attorney’s and consultant’s fees.”.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Title VII of the Public Works and
 8 Economic Development Act of 1965 (42 U.S.C. 3231 et
 9 seq.) is amended by adding at the end the following:

10 **“SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR**
 11 **BROWNFIELD SITE REDEVELOPMENT.**

12 “(a) IN GENERAL.—In addition to amounts made
 13 available under section 701, there is authorized to be ap-
 14 propriated to carry out section 210 \$60,000,000 for each
 15 of fiscal years 2003 through 2007, to remain available
 16 until expended.

17 “(b) FEDERAL SHARE.—Notwithstanding section
 18 204, subject to section 205, the Federal share of the cost
 19 of activities funded with amounts made available under
 20 subsection (a) shall be not more than 75 percent.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
 22 tents in section 1(b) of the Public Works and Economic
 23 Development Act of 1965 (42 U.S.C. prec. 3121) is

- 1 amended by adding at the end of the items relating to
- 2 title VII the following:

“Sec. 704. Authorization of appropriations for brownfield site redevelopment.”.

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