

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 336

To amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2005

Mr. LYNCH 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

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## A BILL

To amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

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 Improve-  
5       ment Act of 2005”.

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) and (2)  
22 and paragraphs (3) through (12) as paragraphs (2)  
23 and (3) and paragraphs (5) through (14), respec-  
24 tively;

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

1           “(1) BROWNFIELD SITE.—The term ‘brownfield  
2 site’ means a brownfield site (as defined in section  
3 101 of the Comprehensive Environmental Response,  
4 Compensation, and Liability Act of 1980 (42 U.S.C.  
5 9601)) with respect to which an entity has received,  
6 or is eligible to receive, funding under section 104(k)  
7 of that Act (42 U.S.C. 9604(k)) for site character-  
8 ization, assessment, or remediation.”;

9           (3) by inserting after paragraph (3) (as redesign-  
10 nated by paragraph (1)) the following:

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

18           “(A) economic gains;

19           “(B) improved environmental quality; and

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

22           and

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

24           “(15) UNUSED LAND.—The term ‘unused land’  
25 means any publicly-owned or privately-owned un-

1 used, underused, or abandoned land that is not con-  
2 tributing to the quality of life or economic well-being  
3 of the community in which the land is located.”.

4 **SEC. 4. COORDINATION.**

5 Section 103 of the Public Works and Economic De-  
6 velopment Act of 1965 (42 U.S.C. 3132) is amended by  
7 adding at the end the following:

8 “(c) **BROWNFIELD SITE REDEVELOPMENT.**—The  
9 Secretary shall coordinate activities relating to the redevel-  
10 opment of brownfield sites and the promotion of eco-indus-  
11 trial development under this Act with other Federal agen-  
12 cies, States, local governments, consortia of local govern-  
13 ments, Indian tribes, nonprofit organizations, and public-  
14 private partnerships.”.

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

16 (a) **IN GENERAL.**—Title II of the Public Works and  
17 Economic Development Act of 1965 (42 U.S.C. 3141 et  
18 seq.) is amended by adding at the end the following:

19 **“SEC. 219. GRANTS FOR BROWNFIELD SITE REDEVELOP-**  
20 **MENT.**

21 “(a) **IN GENERAL.**—On the application of an eligible  
22 recipient, the Secretary may make grants for projects to  
23 alleviate or prevent conditions of excessive unemployment,  
24 underemployment, blight, and infrastructure deterioration

1 associated with brownfield sites, including projects con-  
2 sisting of—

3 “(1) the development of public facilities;

4 “(2) the development of public services;

5 “(3) business development (including funding of  
6 a revolving loan fund);

7 “(4) the development of affordable housing;

8 “(5) planning;

9 “(6) technical assistance;

10 “(7) training; and

11 “(8) the purchase of environmental insurance  
12 with respect to an activity described in any of para-  
13 graphs (1) through (3).

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

16 “(1) the Secretary determines that the project  
17 will assist the area where the project is or will be lo-  
18 cated to meet, directly or indirectly, a special need  
19 arising from—

20 “(A) a high level of unemployment or  
21 underemployment, or a high proportion of low-  
22 income households;

23 “(B) the existence of blight and infrastruc-  
24 ture deterioration;

1           “(C) dislocations resulting from commer-  
2           cial or industrial restructuring;

3           “(D) outmigration and population loss, as  
4           indicated by—

5                   “(i)(I) depletion of human capital (in-  
6                   cluding young, skilled, or educated popu-  
7                   lations);

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

10                   “(III) a shrinking tax base; and

11                   “(ii) resulting—

12                           “(I) fiscal pressure;

13                           “(II) restricted access to mar-  
14                   kets; and

15                           “(III) constrained local develop-  
16                   ment potential; or

17           “(E) the closure or realignment of—

18                   “(i) a military or Department of En-  
19                   ergy installation; or

20                   “(ii) any other Federal facility;

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

23                   “(A) the Secretary has approved a com-  
24                   prehensive economic development strategy for

1 the area where the project is or will be located;  
2 and

3 “(B) the project is consistent with the  
4 comprehensive economic development strategy;  
5 and

6 “(3) in the case only of a project consisting of  
7 the development of affordable housing, the Secretary  
8 determines that—

9 “(A) a high level of housing need exists in  
10 the area in which the project is to be located,  
11 as determined by the most recent consolidated  
12 plan submitted by the applicable State, unit of  
13 general local government, or consortium pursu-  
14 ant to 24 CFR Part 91; or

15 “(B) the area in which the project is to be  
16 located has been approved for payment stand-  
17 ards exceeding 110 percent of fair market rent-  
18 al pursuant to section 8(o)(1)(D) of the United  
19 States Housing Act of 1937 (42 U.S.C. 1437f  
20 (o)(1)(D)) or is otherwise considered a high-  
21 housing cost area for purposes of the program  
22 under such section 8.

23 “(c) PARTICULAR COMMUNITY ASSISTANCE.—Assist-  
24 ance under this section may include assistance provided  
25 for activities identified by a community, the economy of

1 which is injured by the existence of 1 or more brownfield  
2 sites, to assist the community in—

3 “(1) revitalizing affected areas by—

4 “(A) diversifying the economy of the com-  
5 munity; or

6 “(B) carrying out industrial or commercial  
7 (including mixed use) redevelopment, affordable  
8 housing development, or eco-industrial develop-  
9 ment, projects on brownfield sites;

10 “(2) carrying out development that conserves  
11 land by—

12 “(A) reusing existing facilities and infra-  
13 structure;

14 “(B) reclaiming unused land and aban-  
15 doned buildings; or

16 “(C) promoting eco-industrial development,  
17 and environmentally responsible development, of  
18 brownfield sites; or

19 “(3) carrying out a collaborative economic de-  
20 velopment planning process, developed with broad-  
21 based and diverse community participation, that ad-  
22 dresses the economic repercussions and opportunities  
23 posed by the existence of brownfield sites in an area.

24 “(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY  
25 ELIGIBLE RECIPIENT.—



1 of fiscal years 2006 through 2010, to remain available  
2 until expended.

3 “(b) FEDERAL SHARE.—Notwithstanding section  
4 204, and subject to section 205, the Federal share of the  
5 cost of activities funded with amounts made available  
6 under subsection (a) shall be not more than 75 percent.”.

7 (b) CONFORMING AMENDMENT.—The table of con-  
8 tents in section 1(b) of the Public Works and Economic  
9 Development Act of 1965 (42 U.S.C. 3121 note) is  
10 amended by adding at the end of the items relating to  
11 title VII the following:

“Sec. 705. Authorization of appropriations for brownfield site redevelopment.”.

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