

109TH CONGRESS
2^D SESSION

S. 3620

To facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2006

Mr. LEVIN (for himself, Mrs. DOLE, Mr. REED, Mr. JEFFORDS, Mr. VOINOVICH, and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

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 Redevelop-
5 ment Enhancement Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) grants under the Brownfields Economic De-
2 velopment Initiative of the Department of Housing
3 and Urban Development provide local governments
4 with a flexible source of funding to pursue
5 brownfields redevelopment through land acquisition,
6 site preparation, economic development, and other
7 activities;

8 (2) to be eligible for such grant funds, a com-
9 munity must be willing to pledge community devel-
10 opment block grant funds as partial collateral for a
11 loan guarantee under section 108 of the Housing
12 and Community Development Act of 1974, and this
13 requirement is a barrier to many local communities
14 that are unable or unwilling to pledge such block
15 grant funds as collateral; and

16 (3) by providing grants for the economic devel-
17 opment of brownfield sites independent from section
18 108 loan guarantees and the related pledge of com-
19 munity development block grant funds, more com-
20 munities will have access to funding for redevelop-
21 ment of brownfield sites.

22 (b) PURPOSE.—The purpose of this Act is to provide
23 units of general local government and Indian tribes with
24 increased accessibility to brownfields redevelopment funds
25 by permitting the Secretary of Housing and Urban Devel-

1 opment to make grants for brownfields development inde-
2 pendent from section 108 loan guarantees.

3 **SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.**

4 Title I of the Housing and Community Development
5 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-
6 ing at the end the following new section:

7 **“SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.**

8 “(a) IN GENERAL.—The Secretary may make grants
9 under this section, on a competitive basis as specified in
10 section 102 of the Department of Housing and Urban De-
11 velopment Reform Act of 1989 (42 U.S.C. 3545), only to
12 eligible public entities (as such term is defined in section
13 108(o) of this title) and Indian tribes for carrying out
14 projects and activities to assist the development and rede-
15 velopment of brownfield sites, which shall include mine-
16 scarred lands.

17 “(b) USE OF GRANT AMOUNTS.—Amounts from
18 grants under this section—

19 “(1) shall be used, as provided in subsection (a)
20 of this section, only for activities specified in section
21 105(a) in connection with a brownfield site;

22 “(2) shall be subject to the same requirements
23 that, under section 101(c) and paragraphs (2) and
24 (3) of section 104(b), apply to grants under section
25 106; and

1 “(3) shall not be provided or used in a manner
2 that reduces the financial responsibility of any non-
3 governmental party that is responsible or potentially
4 responsible for contamination on any real property
5 and the provision of assistance pursuant to this sec-
6 tion shall not in any way relieve any party of liabil-
7 ity with respect to such contamination, including li-
8 ability for removal and remediation costs.

9 “(c) AVAILABILITY OF ASSISTANCE.—The Secretary
10 shall not require, for eligibility for a grant under this sec-
11 tion, that such grant amounts be used only in connection
12 or conjunction with projects and activities assisted with
13 a loan guaranteed under section 108.

14 “(d) APPLICATIONS.—Applications for assistance
15 under this subsection shall be in the form and in accord-
16 ance with the procedures established by the Secretary.

17 “(e) SELECTION CRITERIA.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish criteria for awarding assistance under this sub-
20 section.

21 “(2) CRITERIA.—The criteria established under
22 paragraph (1) shall include—

23 “(A) the extent of need for such assist-
24 ance;

1 “(B) the level of distress in the community
2 to be served and in the jurisdiction applying for
3 assistance;

4 “(C) the quality of the plan proposed and
5 the capacity or potential capacity of the appli-
6 cant to successfully carry out the plan; and

7 “(D) such other factors as the Secretary
8 determines to be appropriate.

9 “(f) DEFINITION OF BROWNFIELD SITE.—For pur-
10 poses of this section, the term ‘brownfield site’—

11 “(1) has the meaning given such term in sec-
12 tion 101(39) of the Comprehensive Environmental
13 Response, Compensation, and Liability Act of 1980
14 (42 U.S.C. 9601(39)); and

15 “(2) includes a site that meets the requirements
16 under subparagraph (D) of such section for inclu-
17 sion as a brownfield site for purposes of section
18 104(k) of such Act (42 U.S.C. 9604(k)).

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated for grants under this
21 section \$50,000,000, for each of fiscal years 2007, 2008,
22 2009, 2010, and 2011.”.

1 **SEC. 4. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG**
2 **FUNDS TO ADMINISTER RENEWAL COMMU-**
3 **NITIES.**

4 Section 105(a)(13) of the Housing and Community
5 Development Act of 1974 (42 U.S.C. 5305(a)(13)) is
6 amended by inserting “and renewal communities” after
7 “enterprise zones”.

8 **SEC. 5. APPLICABILITY.**

9 The amendments made by this Act shall apply only
10 with respect to amounts made available for fiscal year
11 2007 and fiscal years thereafter for use under the provi-
12 sions of law amended by this Act.

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