

Calendar No. 554

107TH CONGRESS
2D SESSION**S. 1079****[Report No. 107-244]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2001

Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, Mr. SARBANES, Mr. DAYTON, Mr. LIEBERMAN, Mr. CLELAND, Mr. INOUE, Mr. REED, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 28, 2002

Reported under authority of the order of the Senate of July 29, 2002, by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Brownfield Site Rede-
3 velopment Assistance Act of 2001”.

4 **SEC. 2. PURPOSES.**

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

8 (1) to provide targeted assistance, including
9 planning assistance, for projects that promote the
10 redevelopment, restoration, and economic recovery of
11 brownfield sites; and

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

20 **SEC. 3. DEFINITIONS.**

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

23 (1) by redesignating paragraphs (1) through
24 (10) as paragraphs (2) through (11), respectively;

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

1 “(1) BROWNFIELD SITE.—

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

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

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

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

19 “(i) a facility that is the subject of a
20 planned or ongoing removal action under
21 the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act of
23 1980 (42 U.S.C. 9601 et seq.);

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

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

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

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

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

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

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

1 “(v) a facility—

2 “(I) that is subject to corrective
3 action under section 3004(u) or
4 3008(h) of the Solid Waste Disposal
5 Act (42 U.S.C. 6924(u), 6928(h));
6 and

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

11 “(vi) a land disposal unit with respect
12 to which—

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

17 “(II) closure requirements have
18 been specified in a closure plan or
19 permit;

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

25 “(viii) a portion of a facility—

1 “(I) at which there has been a
2 release of polychlorinated biphenyls;
3 and

4 “(H) that is subject to remedi-
5 ation under the Toxic Substances
6 Control Act (15 U.S.C. 2601 et seq.);
7 or

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

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

24 “(i) protect human health and the en-
25 vironment; and

1 “(ii)(I) promote economic develop-
2 ment; or

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

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); and

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 “(HH) 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.”; and

15 (3) by adding at the end the following:

16 “(12) UNUSED LAND.—The term ‘unused land’
 17 means any publicly-owned or privately-owned un-
 18 used, underused, or abandoned land that is not con-
 19 tributing to the quality of life or economic well-being
 20 of the community in which the land is located.”.

21 **SEC. 4. COORDINATION.**

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

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

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

5 “(b) BROWNFIELD SITE REDEVELOPMENT.—The
6 Secretary shall coordinate activities relating to the redevel-
7 opment of brownfield sites under this Act with other Fed-
8 eral agencies, States, local governments, consortia of local
9 governments, Indian tribes, nonprofit organizations, and
10 public-private partnerships.”.

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

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

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

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

18 **“SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOP-**
19 **MENT.**

20 “(a) IN GENERAL.—On the application of an eligible
21 recipient, the Secretary may make grants for projects to
22 alleviate or prevent conditions of excessive unemployment,
23 underemployment, blight, and infrastructure deterioration
24 associated with brownfield sites, including projects con-
25 sisting of—

- 1 “(1) development of public facilities;
- 2 “(2) development of public services;
- 3 “(3) business development (including funding of
- 4 a revolving loan fund);
- 5 “(4) planning;
- 6 “(5) technical assistance; and
- 7 “(6) training.

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

10 “(1) the Secretary determines that the project
 11 will assist the area where the project is or will be lo-
 12 cated to meet, directly or indirectly, a special need
 13 arising from—

14 “(A) a high level of unemployment or
 15 underemployment, or a high proportion of low-
 16 income households;

17 “(B) the existence of blight and infrastruc-
 18 ture deterioration;

19 “(C) dislocations resulting from commer-
 20 cial or industrial restructuring;

21 “(D) outmigration and population loss, as
 22 indicated by—

23 “(i)(I) depletion of human capital (in-
 24 cluding young, skilled, or educated popu-
 25 lations);

1 ~~“(H) depletion of financial capital (in-~~
2 ~~cluding firms and investment); or~~
3 ~~“(III) a shrinking tax base; and~~
4 ~~“(ii) resulting—~~
5 ~~“(I) fiscal pressure;~~
6 ~~“(H) restricted access to mar-~~
7 ~~kets; and~~
8 ~~“(III) constrained local develop-~~
9 ~~ment potential; or~~
10 ~~“(E) the closure or realignment of—~~
11 ~~“(i) a military or Department of En-~~
12 ~~ergy installation; or~~
13 ~~“(ii) any other Federal facility; and~~
14 ~~“(2) except in the case of a project consisting~~
15 ~~of planning or technical assistance—~~
16 ~~“(A) the Secretary has approved a com-~~
17 ~~prehensive economic development strategy for~~
18 ~~the area where the project is or will be located;~~
19 ~~and~~
20 ~~“(B) the project is consistent with the~~
21 ~~comprehensive economic development strategy.~~
22 ~~“(c) PARTICULAR COMMUNITY ASSISTANCE.—Assist-~~
23 ~~ance under this section may include assistance provided~~
24 ~~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 projects on
 8 brownfield sites or sites adjacent to brownfield
 9 sites;

10 “(2) carrying out development that conserves
 11 environmental and agricultural resources by—

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

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

16 “(C) creating publicly owned parks, play-
 17 grounds, recreational facilities, or cultural cen-
 18 ters that contribute to the economic revitaliza-
 19 tion of a community; or

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

1 “(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY
2 ELIGIBLE RECIPIENT.—

3 “(1) IN GENERAL.—Subject to paragraph (2),
4 an eligible recipient of a grant under this section
5 may directly expend the grant funds or may redis-
6 tribute the funds to public and private entities in the
7 form of a grant, loan, loan guarantee, payment to
8 reduce interest on a loan guarantee, or other appro-
9 priate assistance.

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

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents in section 1(b) of the Public Works and Economic
15 Development Act of 1965 (42 U.S.C. prec. 3121) is
16 amended by striking the items relating to sections 210
17 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.”.

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

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

1 **“SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR**
 2 **BROWNFIELD SITE REDEVELOPMENT.**

3 “(a) IN GENERAL.—In addition to amounts made
 4 available under section 701, there is authorized to be ap-
 5 propriated to carry out section 210 \$60,000,000 for each
 6 of fiscal years 2002 through 2006, to remain available
 7 until expended.

8 “(b) FEDERAL SHARE.—Notwithstanding section
 9 204, subject to section 205, the Federal share of the cost
 10 of activities funded with amounts made available under
 11 subsection (a) shall be not more than 75 percent.”.

12 (b) CONFORMING AMENDMENT.—The table of con-
 13 tents in section 1(b) of the Public Works and Economic
 14 Development Act of 1965 (42 U.S.C. prec. 3121) is
 15 amended by adding at the end of the items relating to
 16 title VII the following:

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

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Brownfield Site Redevel-*
 19 *opment Assistance Act of 2002”.*

20 **SEC. 2. PURPOSES.**

21 *Consistent with section 2 of the Public Works and Eco-*
 22 *nomic Development Act of 1965 (42 U.S.C. 3121), the pur-*
 23 *poses of this Act are—*

24 *(1) to provide targeted assistance, including*
 25 *planning assistance, for projects that promote—*

1 (A) the redevelopment, restoration, and eco-
2 nomic recovery of brownfield sites; and

3 (B) eco-industrial development; and

4 (2) through such assistance, to further the goals
5 of restoring the employment and tax bases of, and
6 bringing new income and private investment to, dis-
7 tressed communities that have not participated fully
8 in the economic growth of the United States because
9 of a lack of an adequate private sector tax base to
10 support essential public services and facilities.

11 **SEC. 3. DEFINITIONS.**

12 Section 3 of the Public Works and Economic Develop-
13 ment Act of 1965 (42 U.S.C. 3122) is amended—

14 (1) by redesignating paragraphs (1), (2), and (3)
15 through (10) as paragraphs (2), (3), and (5) through
16 (12), respectively;

17 (2) by inserting before paragraph (2) (as so re-
18 designated) the following:

19 “(1) *BROWNFIELD SITE*.—

20 “(A) *IN GENERAL*.—The term ‘brownfield
21 site’ means real property, the expansion, redevel-
22 opment, or reuse of which may be complicated by
23 the presence or potential presence of—

24 “(i) a hazardous substance (as defined
25 in section 101 of the Comprehensive Envi-

1 *ronmental Response, Compensation, and Li-*
2 *ability Act of 1980 (42 U.S.C. 9601)); or*

3 “(ii) *any other pollutant or contami-*
4 *nant, as determined by the Secretary, in*
5 *consultation with the Administrator of the*
6 *Environmental Protection Agency.*

7 “(B) *EXCLUSIONS.—Except as provided in*
8 *subparagraph (C), the term ‘brownfield site’ does*
9 *not include—*

10 “(i) *a facility that is the subject of a*
11 *planned or ongoing removal action under*
12 *the Comprehensive Environmental Re-*
13 *sponse, Compensation, and Liability Act of*
14 *1980 (42 U.S.C. 9601 et seq.);*

15 “(ii) *a facility that is listed on the Na-*
16 *tional Priorities List, or is proposed for*
17 *listing on that list, under that Act;*

18 “(iii) *a facility that is the subject of a*
19 *unilateral administrative order, a court*
20 *order, an administrative order on consent,*
21 *or a judicial consent decree that has been*
22 *issued to or entered into by the parties*
23 *under that Act;*

24 “(iv) *a facility that is the subject of a*
25 *unilateral administrative order, a court*

1 *order, an administrative order on consent,*
2 *or a judicial consent decree that has been*
3 *issued to or entered into by the parties, or*
4 *a facility to which a permit has been issued*
5 *by the United States or an authorized*
6 *State, under—*

7 *“(I) the Solid Waste Disposal Act*
8 *(42 U.S.C. 6901 et seq.);*

9 *“(II) the Federal Water Pollution*
10 *Control Act (33 U.S.C. 1251 et seq.);*

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

13 *“(IV) the Safe Drinking Water*
14 *Act (42 U.S.C. 300f et seq.);*

15 *“(v) a facility—*

16 *“(I) that is subject to corrective*
17 *action under section 3004(u) or*
18 *3008(h) of the Solid Waste Disposal*
19 *Act (42 U.S.C. 6924(u), 6928(h)); and*

20 *“(II) to which a corrective action*
21 *permit or order has been issued or*
22 *modified to require the implementation*
23 *of corrective measures;*

24 *“(vi) a land disposal unit with respect*
25 *to which—*

1 “(I) a closure notification under
2 *subtitle C of the Solid Waste Disposal*
3 *Act (42 U.S.C. 6921 et seq.) has been*
4 *submitted; and*

5 “(II) closure requirements have
6 *been specified in a closure plan or per-*
7 *mit;*

8 “(vii) a facility that is subject to the
9 *jurisdiction, custody, or control of a depart-*
10 *ment, agency, or instrumentality of the*
11 *United States, except for land held in trust*
12 *by the United States for an Indian tribe;*

13 “(viii) a portion of a facility—

14 “(I) at which there has been a re-
15 *lease of polychlorinated biphenyls; and*

16 “(II) that is subject to remedi-
17 *ation under the Toxic Substances Con-*
18 *trol Act (15 U.S.C. 2601 et seq.); or*

19 “(ix) a portion of a facility, for which
20 *portion assistance for response activity has*
21 *been obtained under subtitle I of the Solid*
22 *Waste Disposal Act (42 U.S.C. 6991 et seq.)*
23 *from the Leaking Underground Storage*
24 *Tank Trust Fund established by section*
25 *9508 of the Internal Revenue Code of 1986.*

1 “(C) *SITE-BY-SITE INCLUSIONS.*—*The term*
 2 *‘brownfield site’ includes a site referred to in*
 3 *clause (i), (iv), (v), (vi), (viii), or (ix) of sub-*
 4 *paragraph (B), if, on a site-by-site basis, the*
 5 *Secretary, in consultation with the Adminis-*
 6 *trator of the Environmental Protection Agency,*
 7 *determines that use of financial assistance at the*
 8 *site will—*

9 “(i) *protect human health and the en-*
 10 *vironment; and*

11 “(ii)(I) *promote economic development;*

12 “(II) *enable the creation of, preserva-*
 13 *tion of, or addition to parks, greenways,*
 14 *undeveloped property, other recreational*
 15 *property, or other property used for non-*
 16 *profit purposes; or*

17 “(III) *promote eco-industrial develop-*
 18 *ment.*

19 “(D) *ADDITIONAL INCLUSIONS.*—*The term*
 20 *‘brownfield site’ includes a site that meets the*
 21 *definition of ‘brownfield site’ under subpara-*
 22 *graphs (A) through (C) and that—*

23 “(i) *is contaminated by a controlled*
 24 *substance (as defined in section 102 of the*
 25 *Controlled Substances Act (21 U.S.C. 802));*

1 “(ii)(I) is contaminated by petroleum
2 or a petroleum product excluded from the
3 definition of ‘hazardous substance’ under
4 section 101 of the Comprehensive Environ-
5 mental Response, Compensation, and Li-
6 ability Act of 1980 (42 U.S.C. 9601);

7 “(II) is a site determined by the Sec-
8 retary, in consultation with the Adminis-
9 trator of the Environmental Protection
10 Agency, to be—

11 “(aa) of relatively low risk, as
12 compared with other petroleum-only
13 sites in the State in which the site is
14 located; and

15 “(bb) a site for which there is no
16 viable responsible party and that will
17 be assessed, investigated, or cleaned up
18 by a person that is not potentially lia-
19 ble for cleaning up the site; and

20 “(III) is not subject to any order
21 issued under section 9003(h) of the Solid
22 Waste Disposal Act (42 U.S.C. 6991b(h));
23 or

24 “(iii) is mine-scarred land.”;

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

3 “(4) *ECO-INDUSTRIAL DEVELOPMENT*.—The term
4 ‘eco-industrial development’ means development con-
5 ducted in a manner in which businesses cooperate
6 with each other and the local community to efficiently
7 share resources (such as information, materials,
8 water, energy infrastructure, and natural habitat)
9 with the goals of—

10 “(A) economic gains;

11 “(B) improved environmental quality; and

12 “(C) equitable enhancement of human re-
13 sources in businesses and local communities.”;
14 and

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

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

21 **SEC. 4. COORDINATION.**

22 Section 103 of the Public Works and Economic Devel-
23 opment Act of 1965 (42 U.S.C. 3132) is amended—

1 (1) *by inserting “(a) COMPREHENSIVE ECO-*
 2 *NOMIC DEVELOPMENT STRATEGIES.—” before “The*
 3 *Secretary”; and*

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

5 *“(b) BROWNFIELD SITE REDEVELOPMENT.—The Sec-*
 6 *retary shall coordinate activities relating to the redevelop-*
 7 *ment of brownfield sites and the promotion of eco-industrial*
 8 *development under this Act with other Federal agencies,*
 9 *States, local governments, consortia of local governments,*
 10 *Indian tribes, nonprofit organizations, and public-private*
 11 *partnerships.”.*

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

13 (a) *IN GENERAL.—Title II of the Public Works and*
 14 *Economic Development Act of 1965 (42 U.S.C. 3141 et seq.)*
 15 *is amended—*

16 (1) *by redesignating sections 210 through 213 as*
 17 *sections 211 through 214, respectively; and*

18 (2) *by inserting after section 209 the following:*

19 **“SEC. 210. 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 al-*
 23 *leviate 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) *development of public facilities;*

4 “(2) *development of public services;*

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

7 “(4) *planning;*

8 “(5) *technical assistance; and*

9 “(6) *training.*

10 “(b) *CRITERIA FOR GRANTS.—The Secretary may pro-*
 11 *vide a grant for a project under this section only if—*

12 “(1) *the Secretary determines that the project*
 13 *will assist the area where the project is or will be lo-*
 14 *cated to meet, directly or indirectly, a special need*
 15 *arising from—*

16 “(A) *a high level of unemployment or*
 17 *underemployment, or a high proportion of low-*
 18 *income households;*

19 “(B) *the existence of blight and infrastruc-*
 20 *ture deterioration;*

21 “(C) *dislocations resulting from commercial*
 22 *or industrial restructuring;*

23 “(D) *outmigration and population loss, as*
 24 *indicated by—*

1 “(i)(I) depletion of human capital (in-
 2 cluding young, skilled, or educated popu-
 3 lations);

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

6 “(III) a shrinking tax base; and

7 “(ii) resulting—

8 “(I) fiscal pressure;

9 “(II) restricted access to markets;

10 and

11 “(III) constrained local develop-
 12 ment potential; or

13 “(E) the closure or realignment of—

14 “(i) a military or Department of En-
 15 ergy installation; or

16 “(ii) any other Federal facility; and

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

19 “(A) the Secretary has approved a com-
 20 prehensive economic development strategy for the
 21 area where the project is or will be located; and

22 “(B) the project is consistent with the com-
 23 prehensive economic development strategy.

24 “(c) PARTICULAR COMMUNITY ASSISTANCE.—Assist-
 25 ance under this section may include assistance provided for

1 *activities identified by a community, the economy of which*
 2 *is injured by the existence of 1 or more brownfield sites,*
 3 *to assist the community in—*

4 *“(1) revitalizing affected areas by—*

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

7 *“(B) carrying out industrial or commercial*
 8 *(including mixed use) redevelopment, or eco-in-*
 9 *dustrial development, projects on brownfield sites*
 10 *or sites adjacent to brownfield sites;*

11 *“(2) carrying out development that conserves en-*
 12 *vironmental and agricultural resources by—*

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

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

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

20 *“(3) carrying out a collaborative economic devel-*
 21 *opment planning process, developed with broad-based*
 22 *and diverse community participation, that addresses*
 23 *the economic repercussions and opportunities posed*
 24 *by the existence of brownfield sites in an area.*

1 “(d) *DIRECT EXPENDITURE OR REDISTRIBUTION BY*
2 *ELIGIBLE RECIPIENT.*—

3 “(1) *IN GENERAL.*—Subject to paragraph (2), an
4 *eligible recipient of a grant under this section may*
5 *directly expend the grant funds or may redistribute*
6 *the funds to public and private entities in the form*
7 *of a grant, loan, loan guarantee, payment to reduce*
8 *interest on a loan guarantee, or other appropriate as-*
9 *sistance.*

10 “(2) *LIMITATION.*—Under paragraph (1), an eli-
11 *gible recipient may not provide any grant to a pri-*
12 *vate for-profit entity.”.*

13 (b) *CONFORMING AMENDMENT.*—The table of contents
14 *in section 1(b) of the Public Works and Economic Develop-*
15 *ment Act of 1965 (42 U.S.C. prec. 3121) is amended by*
16 *striking the items relating to sections 210 through 213 and*
17 *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.”.

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

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

1 **“SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **BROWNFIELD SITE REDEVELOPMENT.**

3 “(a) *IN GENERAL.*—In addition to amounts made
4 available under section 701, there is authorized to be appro-
5 priated to carry out section 210 \$60,000,000 for each of
6 fiscal years 2003 through 2007, to remain available until
7 expended.

8 “(b) *FEDERAL SHARE.*—Notwithstanding section 204,
9 subject to section 205, the Federal share of the cost of activi-
10 ties funded with amounts made available under subsection
11 (a) shall be not more than 75 percent.”.

12 (b) *CONFORMING AMENDMENT.*—The table of contents
13 in section 1(b) of the Public Works and Economic Develop-
14 ment Act of 1965 (42 U.S.C. prec. 3121) is amended by
15 adding at the end of the items relating to title VII the fol-
16 lowing:

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

Calendar No. 554

107TH CONGRESS
2D SESSION

S. 1079

[Report No. 107-244]

A BILL

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

AUGUST 28, 2002

Reported with an amendment