

107TH CONGRESS
1ST SESSION

S. 975

To improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2001

Mr. CHAFEE (for himself, Mr. BENNETT, Mr. JEFFORDS, Mr. LEVIN, Mr. SPECTER, Mr. BINGAMAN, Mr. CLELAND, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, 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 “Community Character
5 Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) inadequate land use planning at the State
2 and tribal levels contributes to—

3 (A) increased public and private capital
4 costs for public works infrastructure develop-
5 ment;

6 (B) environmental degradation;

7 (C) weakened regional economic develop-
8 ment; and

9 (D) loss of community character;

10 (2) land use planning is rightfully within the ju-
11 risdiction of State, tribal, and local governments;

12 (3) comprehensive land use planning and com-
13 munity development should be supported by Federal,
14 State, and tribal governments;

15 (4) States and tribal governments should pro-
16 vide a proper climate and context through legislation
17 in order for comprehensive land use planning, com-
18 munity development, and environmental protection
19 to occur;

20 (5)(A) many States and tribal governments
21 have outmoded land use planning legislation; and

22 (B) many States and tribal governments are
23 undertaking efforts to update and reform land use
24 planning legislation;

1 (6) the Federal Government and States should
2 support the efforts of tribal governments to develop
3 and implement land use plans to improve environ-
4 mental protection, housing opportunities, and socio-
5 economic conditions for Indian tribes; and

6 (7) the coordination of use of State and tribal
7 resources with local land use plans requires addi-
8 tional planning at the State and tribal levels.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) LAND USE PLAN.—The term “land use
12 plan” means a plan for development of an area that
13 recognizes the physical, environmental, economic, so-
14 cial, political, aesthetic, and related factors of the
15 area.

16 (2) LAND USE PLANNING LEGISLATION.—The
17 term “land use planning legislation” means a stat-
18 ute, regulation, executive order, or other action
19 taken by a State or tribal government to guide, reg-
20 ulate, or assist in the planning, regulation, and man-
21 agement of—

22 (A) environmental resources;

23 (B) public works infrastructure;

24 (C) regional economic development;

1 (D) current and future development prac-
2 tices; and

3 (E) other activities related to the pattern
4 and scope of future land use.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Commerce, acting through the As-
7 sistant Secretary of Commerce for Economic Devel-
8 opment.

9 (4) STATE.—The term “State” means a State,
10 the District of Columbia, the Commonwealth of
11 Puerto Rico, the Virgin Islands, Guam, American
12 Samoa, and the Commonwealth of the Northern
13 Mariana Islands.

14 (5) TRIBAL GOVERNMENT.—The term “tribal
15 government” means the tribal government of an In-
16 dian tribe (as defined in section 4 of the Indian Self-
17 Determination and Education Assistance Act (25
18 U.S.C. 450b)).

19 **SEC. 4. GRANTS TO STATES AND TRIBAL GOVERNMENTS TO**
20 **UPDATE LAND USE PLANNING LEGISLATION.**

21 (a) ESTABLISHMENT OF PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall establish
23 a program to award grants to States and tribal gov-
24 ernments eligible for funding under subsection (b) to

1 promote comprehensive land use planning at the
2 State, tribal, and local levels.

3 (2) GRANT APPLICATIONS.—

4 (A) SUBMISSION.—A State or tribal gov-
5 ernment may submit to the Secretary, in such
6 form as the Secretary may require, an applica-
7 tion for a grant under this section to be used
8 for 1 or more of the types of projects author-
9 ized by subsection (c).

10 (B) APPROVAL.—The Secretary shall—

11 (i) not less often than annually, com-
12 plete a review of the applications for
13 grants that are received under this section;
14 and

15 (ii) award grants to States and tribal
16 governments that the Secretary determines
17 rank the highest using the ranking criteria
18 specified in paragraph (3).

19 (3) RANKING CRITERIA.—In evaluating applica-
20 tions for grants from eligible States and tribal gov-
21 ernments under this section, the Secretary shall con-
22 sider the following criteria:

23 (A) As a fundamental priority, the extent
24 to which a State or tribal government has in ef-

1 fect inadequate or outmoded land use planning
2 legislation.

3 (B) The extent to which a grant will facili-
4 tate development or revision of land use plans
5 consistent with updated land use planning legis-
6 lation.

7 (C) The extent to which development or re-
8 vision of land use plans will facilitate multistate
9 land use planning.

10 (D) The extent to which the area under
11 the jurisdiction of a State or tribal government
12 is experiencing significant growth.

13 (E) The extent to which the project to be
14 funded using a grant will protect the environ-
15 ment and promote economic development.

16 (F) The extent to which a State or tribal
17 government has committed financial resources
18 to comprehensive land use planning.

19 (b) ELIGIBILITY.—A State or tribal government shall
20 be eligible to receive a grant under subsection (a) if the
21 State or tribal government demonstrates that the project,
22 or the goal of the project, to be funded by the grant pro-
23 motes land use planning activities that—

24 (1) are comprehensive in nature and, to the
25 maximum extent practicable—

1 (A) promote environmental protection (in-
2 cluding air and water quality);

3 (B) take into consideration—

4 (i) public works infrastructure in ex-
5 istence at the time at which the grant is to
6 be made; and

7 (ii) future infrastructure needs, such
8 as needs identified in—

9 (I) the needs assessments re-
10 quired under sections 516(2) and
11 518(b) of the Federal Water Pollution
12 Control Act (33 U.S.C. 1375(2),
13 1377(b)) and subsections (h) and
14 (i)(4) of section 1452 of the Safe
15 Drinking Water Act (42 U.S.C. 300j-
16 12); and

17 (II) the State long-range trans-
18 portation plan developed under section
19 135(e) of title 23, United States
20 Code;

21 (C) promote sustainable economic develop-
22 ment (including regional economic development)
23 and social equity;

24 (D) enhance community character;

1 (E) conserve historic, scenic, natural, and
2 cultural resources; and

3 (F) provide for a range of affordable hous-
4 ing options;

5 (2) promote land use plans that contain an im-
6 plementation element that—

7 (A) includes a timetable for action and a
8 definition of the respective roles and respon-
9 sibilities of agencies, local governments, and
10 other stakeholders;

11 (B) is consistent with the capital budget
12 objectives of the State or tribal government;
13 and

14 (C) provides a framework for decisions re-
15 lating to the siting of infrastructure develop-
16 ment, including development of utilities and
17 utility distribution systems;

18 (3) result in multijurisdictional governmental
19 cooperation, to the maximum extent practicable, par-
20 ticularly in the case of land use plans based on wa-
21 tershed boundaries;

22 (4) encourage the participation of the public in
23 the development, adoption, and updating of land use
24 plans;

1 (5) provide for the periodic updating of land
2 use plans; and

3 (6) include approaches to land use planning
4 that are consistent with established professional land
5 use planning standards.

6 (c) USE OF GRANT FUNDS.—Grant funds received
7 by a State or tribal government under subsection (a) may
8 be used for a project—

9 (1) to carry out, or obtain technical assistance
10 with which to carry out—

11 (A) development or revision of land use
12 planning legislation;

13 (B) research and development relating to
14 land use plans, and other activities relating to
15 the development of State, tribal, or local land
16 use plans, that result in long-term policy guide-
17 lines for growth and development;

18 (C) workshops, education of and consulta-
19 tion with policymakers, and participation of the
20 public in the land use planning process; and

21 (D) integration of State, regional, tribal,
22 or local land use plans with Federal land use
23 plans;

24 (2) to provide funding to units of general pur-
25 pose local government to carry out land use planning

1 activities consistent with land use planning legisla-
2 tion; or

3 (3) to acquire equipment or information tech-
4 nology to facilitate State, tribal, or local land use
5 planning.

6 (d) PILOT PROJECTS FOR LOCAL GOVERNMENTS.—

7 A State may include in its application for a grant under
8 this section a request for additional grant funds with
9 which to assist units of general purpose local government
10 in carrying out pilot projects to carry out land use plan-
11 ning activities consistent with land use planning legisla-
12 tion.

13 (e) AMOUNT OF GRANTS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the amount of a grant to a State or tribal
16 government under subsection (a) shall not exceed
17 \$1,000,000.

18 (2) ADDITIONAL AMOUNT.—The Secretary may
19 award a State up to an additional \$100,000 to fund
20 pilot projects under subsection (d).

21 (f) COST SHARING.—

22 (1) IN GENERAL.—The Federal share of the
23 cost of a project funded with a grant under sub-
24 section (a) shall not exceed 90 percent.

1 (2) GRANTS TO TRIBAL GOVERNMENTS.—The
2 Secretary may increase the Federal share in the case
3 of a grant to a tribal government if the Secretary
4 determines that the tribal government does not have
5 sufficient funds to pay the non-Federal share of the
6 cost of the project.

7 (g) AUDITS.—

8 (1) IN GENERAL.—The Inspector General of
9 the Department of Commerce may conduct an audit
10 of a portion of the grants awarded under this section
11 to ensure that the grant funds are used for the pur-
12 poses specified in this section.

13 (2) USE OF AUDIT RESULTS.—The results of
14 an audit conducted under paragraph (1) and any
15 recommendations made in connection with the audit
16 shall be taken into consideration in awarding any fu-
17 ture grant under this section to a State or tribal
18 government.

19 (3) REPORT TO CONGRESS.—Not later than 3
20 years after the date of enactment of this Act, the In-
21 spector General of the Department of Commerce
22 shall submit to Congress a report that provides a de-
23 scription of the management of the program estab-
24 lished under this section (including a description of

1 the allocation of grant funds awarded under this sec-
2 tion).

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$25,000,000
6 for each of fiscal years 2002 through 2006.

7 (2) AVAILABILITY FOR TRIBAL GOVERN-
8 MENTS.—Of the amount made available under para-
9 graph (1) for a fiscal year, not less than 5 percent
10 shall be available to make grants to tribal govern-
11 ments to the extent that there are sufficient tribal
12 governments that are eligible for funding under sub-
13 section (b) and that submit applications.

14 **SEC. 5. ECONOMIC DEVELOPMENT ADMINISTRATION TECH-**
15 **NICAL ASSISTANCE.**

16 (a) IN GENERAL.—The Secretary may develop vol-
17 untary educational and informational programs for the
18 use of State, tribal, and local land use planning and zoning
19 officials.

20 (b) TYPES OF PROGRAMS.—Programs developed
21 under subsection (a) may include—

22 (1) exchange of technical land use planning in-
23 formation;

24 (2) electronic databases containing data rel-
25 evant to land use planning;

1 (3) other technical land use planning assistance
2 to facilitate access to, and use of, techniques and
3 principles of land use planning; and

4 (4) such other types of programs as the Sec-
5 retary determines to be appropriate.

6 (c) CONSULTATION AND COOPERATION.—The Sec-
7 retary shall carry out subsection (a) in consultation and
8 cooperation with—

9 (1) the Administrator of the Environmental
10 Protection Agency;

11 (2) the Secretary of Transportation;

12 (3) the Secretary of Agriculture;

13 (4) the heads of other Federal agencies;

14 (5) State, tribal, and local governments; and

15 (6) nonprofit organizations that promote land
16 use planning at the State, tribal, and local levels.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$1,000,000 for each of fiscal years 2002 through 2006.

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