Credit Corporation for the fiscal year ending September 30, 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 4, 2002*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 1556

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 3 o'clock and 56 minutes p.m.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields, as amended.

The Clerk read as follows:

H.R. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brownfields Redevelopment Enhancement Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) returning the Nation's brownfield sites to productive economic use could generate more that 550,000 additional jobs and up to $2,400,000,000 in new tax revenues for cities and towns;

(2) redevelopment of brownfield sites and reuse of infrastructure at such sites will protect natural resources and open spaces;

(3) lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;

(4) the Department of Housing and Urban Development is the agency of the Federal Government that is principally responsible for supporting community development and encouraging productive land use in urban areas of the United States;

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

(6) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974, and this requirement is a barrier to many local communities that are unable or unwilling to pledge such block grant funds as collateral; and

(7) by de-linking grants for brownfields development from section 108 community development loan guarantees and the related pledge of community development block grant funds, more communities will have access to funding for redevelopment of brownfield sites.

(b) PURPOSES.—The purpose of this Act is to provide cities and towns with more flexibility for brownfields development, increased accessibility to brownfields redevelopment funds, and greater capacity to coordinate and collaborate with other government agencies—

(1) by providing additional incentives to invest in the cleanup and development of brownfield sites; and

(2) by de-linking grants for brownfields development from community development loan guarantees and the related pledge of community development block grant funds.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

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

''SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

''(a) IN GENERAL.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), only to eligible public entities (as such term is defined in section 108(o) of this title) and Indian tribes for carrying out projects and activities to assist the environmental cleanup and development of brownfield sites, which shall include mine-scarred lands.

''(b) USE OF GRANT AMOUNTS.—Amounts from grants under this section shall—

''(1) be used, as provided in subsection (a) of this section, only for activities specified in section 108(a); and

''(2) be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 106.

''(c) AVAILABILITY OF ASSISTANCE.—The Secretary shall not require, for eligibility for a grant under this section, that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

''(d) APPLICATIONS.—Applications for assistance under this section shall be in the form and in accordance with procedures as shall be established by the Secretary.

''(e) SELECTION CRITERIA AND LEVERAGING.—The Secretary shall establish criteria for awarding grants under this section, which may include the extent to which the applicant has obtained other Federal, State, local, or private funds for the projects and activities to be assisted with grant amounts and such other criteria as the Secretary considers appropriate. Such criteria shall include consideration of the appropriateness of the extent of financial leveraging involved in the projects and activities to be funded with the grant amounts.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2003, 2004, 2005, 2006, and 2007.''.

SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOPMENT AS ELIGIBLE CDBG ACTIVITY.

(a) TECHNICAL CORRECTION.—The penultimate proviso of the first undesignated paragraph of the item relating to ''Community Development Block Grants Fund'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2887) shall be treated as having amended section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) to read as such section was in effect on September 30, 1995.

(b) BROWNFIELDS REDEVELOPMENT ACTIVITIES.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as in effect pursuant to subsection (a) of this section, is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(26) environmental cleanup and economic development activities related to brownfield projects in conjunction with the appropriate environmental regulatory agencies.''.

SEC. 5. PILOT PROGRAM FOR NATIONAL REDEVELOPMENT OF BROWNFIELDS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

''(5) PILOT PROGRAM FOR NATIONAL REDEVELOPMENT OF BROWNFIELDS.—

''(A) IN GENERAL.—Using any amounts made available under this subsection, the Secretary may establish a pilot program under which grants under this subsection are used to develop, maintain, and administer (including the payment of an entity or entities selected pursuant to subparagraph (B)) a common loan pool of development loans for brownfield redevelopment projects made on behalf of eligible public entities with the proceeds of obligations guaranteed under this section, including related security and a common loans loss reserve account, for the benefit of participants in the pilot program.

''(B) SELECTION OF PROGRAM MANAGERS AND CONTRACTORS.—The Secretary may select an entity or entities on a competitive or noncompetitive basis to carry out any of the functions involved in the pilot program.

''(C) TERMS FOR PARTICIPATION.—Participation by eligible public entities in the pilot program shall be under such terms and conditions as the Secretary may require.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary—

''(i) for grants under this subsection to be used only in conjunction with the pilot program under this paragraph; and

''(ii) for costs of carrying out the pilot program under this paragraph and ensuring that the program is carried out in an effective, efficient, and viable manner.''.

SEC. 6. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

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

SEC. 7. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal year 2003 and fiscal years thereafter for use under the provisions of law amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Massachusetts (Mr. FRANK) will each control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank our chairman, the gentleman from Ohio (Mr. OXLEY), for setting this bill up and sending it to the floor, and I rise today in strong

support of H.R. 2941, the Brownfields Redevelopment Act.

Brownfields redevelopment is an issue of critical importance to our Nation as a whole. One of my priorities in Congress has been the need for saving green spaces. A key to saving open space is directing new growth to those areas that we have already developed, where we have already got infrastructure, and where established communities are looking for revitalization: Our brownfields. Too many communities are growing like trees, with ever expanding rings of outward growth but very often the community in the middle falls out of that growth pattern. We need to revitalize our existing communities. This saves valued green spaces from uncontrolled growth and gives us much more pleasant communities in which to live.

A large part of this effort must focus on the spaces that we can rehabilitate for human habitation. This helps communities by returning these properties as tax ratables to the tax rolls. It should be our goal to ensure that any planned growth of communities has as a goal the greatest possible cleanup and redevelopment of their contaminated properties. Otherwise growth will continue the trend of sacrificing more and more of our open spaces as we simply abandon areas that have been harmed.

The Brownfields Redevelopment Act is simple and clear. First, it makes HUD's Brownfield Economic Development Initiative Fund work better for local communities by taking off the strings of cumbersome Federal loan requirements. The law which this provision changes has prevented my home county of Westchester County, New York, from applying for a Brownfields Redevelopment grant because they could not meet these requirements.

Second, it creates a pilot program to promote more brownfields locations with HUD support. In addition, the legislation makes brownfield redevelopment a qualified use for community development block grants. These provisions will assist our communities in addressing brownfields problems.

We know that blighted brownfields are more than an environment-only problem. These are places that need investments of infrastructure and economic development and business growth. HUD is well suited to give local governments the tools they need to invest in the revitalization of brownfields properties in partnership with other Federal agencies, the States, and the private sector.

This legislation represents an important step toward the ultimate goal of cleanup and redevelopment of brownfields sites. I believe making progress on this issue is something that will require local as well as State and Federal cooperation and partnerships. The gentleman from California (Mr. GARY G. MILLER) has introduced his Brownfields Redevelopment Act in an effort for the Federal Government to play a larger part in assisting localities in this effort. This legislation makes a good step in the right direction, and as a cosponsor it has my full support.

Mr. Speaker, I want to thank the gentleman from California for championing this issue, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Massachusetts (Mr. FRANK) for working in a strong bipartisan effort to move this legislation, and I thank the chairman, the gentleman from Ohio (Mr. OXLEY), for his efforts to ensure the legislation is moved quickly through this process.

□ 1600

Mr. Speaker, I ask all of my colleagues to join us in strong support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from New York (Mrs. KELLY) having accurately described this bill, I will not repeat what the gentlewoman said. I will point out that this is an important example of the need for us to act through government to clean up some of the mistakes made by the private sector. We have brownfields because we used to underregulate. We have brownfields because there used to not be appropriate environmental protections.

Today, now that we have environmental rules, we are much less likely to get new brownfields, that is, new areas in cities that have been rendered uninhabitable by industrial excesses. But we have the industrial excesses of the past from a time when we did not have environmental regulation. For those who think there is somehow an opposition between the private sector and the public sector, and if the private sector does well and we do not need a public sector, this bill shows exactly the opposite to be the case.

We need a flexible, well-financed and vigorous public sector so that the current residents can literally clean up the mess that they inherited from private sector activities, not because the people in the private sector were bad people or trying to be hurtful, but because in the absence of the sensible environmental regulation, what they did left this residue behind. I think this is a reasonable way to make a good government program even more flexible. I hope this legislation is approved.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 2941, as amended.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. GARY G. MILLER) to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2941, the Brownfield Development Enhancement Act of 2001, is to provide communities with new options when it comes to financing brownfields redevelopment projects.

The best way to explain this bill is to begin by describing how the U.S. Department of Housing and Urban Development's section 108 loan program and the Brownfields Economic Development Initiative, or BEDI, grant programs work. If a local community wishes to pursue cleanup and redevelopment funds from HUD, first, they must apply for a section 108 loan. In order to secure this loan, they must put up a portion of their Community Development block grant money as collateral. After obtaining the section 108 loan, cities may then apply for a BEDI grant.

Unfortunately, many cities are extremely hesitant to tie up their CDBO funds as loan collateral. Further, some States actually prohibit their cities from doing this. Because these cities are locked out of the section 108 loan program, they are locked out of the BEDI grant application process as well.

H.R. 2941 offers a fundamental change to the status quo by delinking the BEDI grant program from the section 108 loan program. Additionally, this bill also creates a pilot program for a revolving loan pool. As a result, cities will have new options, they can proceed, as under current law, by applying for a section 108 loan, to be secured by a portion of their CDBO funds, and then apply for a BEDI grant; cities can simply apply for a BEDI grant; cities can apply for pilot program funds; or any combination of the above which best meets their project needs.

Before I continue, I would like to thank HUD Secretary Mel Martinez and his staff for their assistance and insight on this program. I also appreciate the support I received from the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, and the gentlewoman from New Jersey (Mrs. ROUKEMA), the chairwoman of the Subcommittee on Housing and Community Opportunity. In addition, I would like to thank the gentlewoman from New York (Mrs. MALONEY), who has worked tirelessly on this issue since H.R. 2941 was introduced.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong support of H.R. 2941, the Brownfields Redevelopment Enhancement Act.

Brownfields are abandoned, idled, or under used industrial and commercial facilities where

expansion or redevelopment is complicated by real or perceived environmental contamination. Cleaning up these sites and redeveloping them could generate 550,000 additional jobs and up to $2.4 billion in new taxes revenues for cities and towns.

This bill will help our communities clean up the estimated 500,000 brownfield sites, including Kansas City, Missouri's Central Industrial District (CID). Also known as the ''West Bottoms,'' Kansas City's historic Central Industrial District is a cradle of commerce and industry. It is the centerpiece of the City's Brownfields Program which has been the target for infrastructure investment by the City of Kansas City due to its development potential and central location. The City's Brownfields program has been successful in its efforts to work with a number of private sector entities to create a number of new development opportunities. Past infrastructure improvements have included storm water facilities, roads, and streetscape rehabilitation. This bill will provide for further investment, development, and environmental restoration at formerly used industrial sites, salvage yards, and other chemically contaminated sites such as the Blue River Industrial Corridor and the Missouri Riverfront Heritage Trail.

Although the Housing and Urban Development's Section 108 loan program encourages site cleanup, cities are required to pledge their community development block grant (CDBG) funds as partial collateral for the loan guarantee. Few small cities can afford to tie up their CDBG funds this way. Moreover, under current law, the Section 108 loan program is tied to the Brownfield Economic Development Initiative (BEDI) grant program. As a result, if cities cannot obtain the loan, they can't obtain the grant. H.R. 2941 provides cities with more options by delinking the BEDI grant program from the Section 108 loan guarantee program.

Empowering cities to clean up our nation's brownfields will reap many benefits for our communities. Cleaning up these sites will create a healthier environment and help preserve existing green spaces. When cities work with developers and builders to revitalize existing sales, they create an incentive for reuse as opposed to new development.

This bill will help communities redevelop contaminated sites by encouraging economic development. H.R. 2941 will help clean up our environment, revitalize the economy, and create livable communities for our children and future generations.

The passage of this bill is essential to the Kansas City Blue River Industrial Corridor, West Bottoms/Central Industrial District, and the Missouri Riverfront Heritage Trail.

I urge my colleagues to invest in our future and vote in support of H.R. 2941.

Mr. KANJORSKI. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields, Redevelopment Enhancement Act. This important legislation will assist in the redevelopment of abandoned contaminated industrial sites in our nation's communities. During debate on this legislation within the Financial Services Committee, however, the lack of a definition of what constituted brownfields concerned me. More specifically, I wanted to ensure that the Department of Housing and Urban Development would consider the cleanup of mine-scarred land eligible for funding within its brownfields program.

Within my congressional district, we have significant amounts of abandoned mine land, some of it located in or near town or city centers, and therefore ripe for economic development opportunities. Some of this land is also contaminated or potentially contaminated, sometimes having become a dumping ground for other waste, and it often contributes to water pollution, particularly acid-mine drainage. The redevelopment of this under-used land through HUD's brownfields program could help to improve the economic climate of the region.

Additionally, when Congress considered the brownfields law last year affecting the Environmental Protection Agency's programs, we provided for the eligibility of mine-scarred land. I therefore wanted to ensure parity between the agencies' programs to facilitate the efficient use of government resources to reclaim land. As a result of my concerns, I worked with the Chairman of the Financial Services Committee during our deliberations on H.R. 2941 to specifically include mine-scarred land within the bill.

From my perspective, the expansion of the definition to include excavation of culm banks and the removal of other mining waste at abandoned mine sites will benefit business, generate jobs, improve the environment, and improve the health and economy of thousands of communities across the nation. In closing, I thank the Chairman and the Committee and my colleagues on both sides of the aisle for recognizing the importance of this issue and urge my colleagues to vote in favor of this bill.

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 2941, the ''Brownfields Redevelopment Enhancement Act.'' This legislation includes two important provisions which will enhance the ability of localities to promote economic development and redevelopment.

First, the bill removes an unnecessary impediment to the use of HUD brownfields redevelopment funds. Redevelopment of brownfields sites is an important economic development activity in many older regions of the country, and HUD brownfields grant funds provide sorely needed funds to localities for this purpose. However, under current law, a locality may not apply for such grants unless it also agrees to use a CDBG Section 108 loan in conjunction with the proposed project.

This loan requirement is a significant impediment to full and effective use of the HUD brownfields program. It is awkward to use loans for brownfields projects, since repayment is linked to land re-sales, which are uncertain and uneven. Since localities must pledge future CDBG funds to repay Section 108 loans, many are reluctant to even apply for brownfields grants, for fear of jeopardizing critically needed economic development funds. Therefore, appropriately, H.R. 2941 ''de-links'' HUD brownfields grants and Section 108 loans; that is, it removes the requirement that a brownfield grant applicant must also commit to use a Section 108 loan.

Secondly, the bill includes an amendment that I authored, and which the majority agreed to during committee consideration, to explicitly allow CDBG funds to be used for the administration of Renewal Communities.

Currently, the code permits CDBG funds to be used to administer Empowerment Zones, designated areas which enjoy economic development tax incentives. Recently, Congress authorized, and HUD designated, 40 Renewal Community areas, under a program similar to Empowerment Zones. My amendment, included in H.R. 2941, would permit localities to use CDBG funds to administer Renewal Communities, in the same way they are already permitted to administer Empowerment Zones. This will help ensure that Renewal Communities are able to achieve their full potential.

Finally, I would like to address a concern raised by some environmental groups that the legislation does not include a definition of brownfields.

These groups have suggested that the bill should include the ''brownfields'' definition used in the recently passed Public Law 107–118. The purpose of incorporating a definition into the code is to prevent use of brownfields funds [or CDBG funds used for brownfields purposes] to pay for cleanups where there is a viable polluter associated with the site, or at heavily contaminated sites to pay for remediation under state voluntary cleanup programs.

This is a valid concern. During committee consideration of the bill, this issue was raised, and efforts were made between committee and floor consideration to agree on a definition that would prevent the types of use cited above. Ultimately, we could not agree on a definition with the majority. However, with these environmental concerns in mind, I believe we should move forward with the legislation at this time, for a number of reasons.

First, I would like to point out that this bill does not create any concerns that do not already exist. That is because neither the HUD brownfields program nor the CDBG program (which permits brownfields use) include a statutory definition of brownfields. Enacting no bill this Congress will only ensure that the statutory lack of a brownfields definition will continue to exist.

Secondly, I would note that, at the request of the minority, the Committee Report includes language that states that ''The Committee intends that HUD will continue its current practice of consulting with other Federal agencies in carrying out the Department's remediation and redevelopment activities, under its brownfields program.'' The report further states that HUD will continue to defer to the EPA and other federal agencies with regard to highly contaminated areas, and will continue to respect orders by the EPA and other agencies in such areas in carrying out the HUD brownfields program.

The clear intent is that HUD brownfields funds will continue to be used for economic redevelopment activities, as opposed to being used to relieve private parties of liability or to substitute for cleanup under federal environmental laws. However, if and when this bill goes to conference with the Senate, it would be appropriate to develop a brownfields definition which addresses these environmental concerns.

For all these reasons, I urge passage of the legislation.

Mr. DINGELL. Mr. Speaker, in the Detroit Metropolitan area alone, which has been home to our country's industrial strength for over 100 years, brownfields cover tens of thousands of acres of land once occupied by mighty manufacturing facilities and thriving communities. Last December, Congress passed H.R. 2869, the Small Business Liability Relief and Brownfields Revitalization Act which originated from the Committee on Energy and Commerce and provided a $200 million authorization each year for 5 years for the Environmental Protection Agency's successful

brownfields loan and grant program. That bill became Public Law 107–118 with President Bush's signature on January 11, 2002.

The bill under consideration today, H.R. 2941, provides increased access for local entities to brownfield redevelopment funds from the Department of Housing and Urban Development (HUD). It does so by de-linking section 108 loan guarantees from HUD's Brownfield Economic Development Initiative (BEDI) grants.

Mr. Speaker, while the goal of this legislation is worthy, and one I support, its failure to include the definition of the term ''brownfields'' contained in Public Law 107–118 is a serious deficiency that could lead to mischief with public revenues. I note that the environmental community has also raised concerns about the absence of an appropriate definition in a letter to Members of Congress dated April 26, 2002.

The brownfield definition in Public Law 107–118 was designed to ensure that grants and loans using public funds did not go to seriously contaminated sites that fall within the purview of other cleanup authorities such as the Superfund program, the Solid Waste Disposal Act, the Toxic Substances Control Act, the Clean Water Act, the Safe Drinking Water Act, and others where the polluters could be held responsible for the cleanup. The absence of a statutory definition of the term ''brownfields'' in H.R. 2941 creates a potential for overlapping federal programs in conflict with one another, or at best a lack of coordination in the use of federal funds.

The remedy is an easy one and should be noncontroversial since the Congress and President Bush have already agreed on a definition of ''brownfields'' in Public Law 107–118.

While the Committee report accompanying H.R. 2941 urges HUD to continue to defer to federally directed and funded remedial cleanup activities of the Environmental Protection Agency, and other applicable Federal Agencies, I believe that a statutory definition of the term ''brownfields'' is necessary to avoid conflict between competing federal agency programs and potential misuse of taxpayer funds.

Today I will support this legislation with the expectation that any bill emerging from a conference between the House and Senate will contain a definition of the term ''brownfields'' consistent with Public Law 107–118.

AMERICAN PUBLIC HEALTH ASSOCIATION; FRIENDS OF THE EARTH; NATURAL RESOURCES DEFENSE COUNCIL; PHYSICIANS FOR SOCIAL RESPONSIBILITY SIERRA CLUB; US PIRG,

April 26, 2002.

Re H.R. 2491, Brownfields Redevelopment Enhancement Act.

Hon. MICHAEL OXLEY,
U.S. House of Representatives,
Hon. JOHN LAFALCE,
U.S. House of Representatives.

DEAR REPRESENTATIVES: We are writing on behalf of our more than one million members to urge the House of Representatives to ensure that H.R. 2941 contains a definition of the term ''brownfields'' that is consistent with existing law. H.R. 2941 could threaten public health and weaken the polluter-pays principle at heavily contaminated toxic waste sites if its definition of ''brownfields'' does not track the definition contained in Public Law 107–118, the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (''Brownfields Act''). Therefore, we urge the House of Representatives to ensure that H.R. 2941 incorporates by reference the definition of brownfields contained in section (39) of the Brownfields Act. Codifying this definition would prevent current or future administrations from arbitrarily weakening existing protections.

Members of the Senate and House negotiated for years over an appropriate definition of the term ''brownfields.'' This issue was vital for two reasons. First, an overly broad definition could allow federal agencies to use taxpayer funds to pay for cleanups even when there was a viable polluter associated with a site. This would weaken the polluter-pays principle, which is the foundation of federal cleanup programs. This principle ensures that polluters, rather than taxpayers, pay to clean up their contamination. It provides an incentive to reduce the use of and responsibly manage toxic chemicals, thereby decreasing the chance of creating future toxic waste sites.

Second, a broad definition could allow federal agencies to use taxpayer funds at heavily contaminates sites to pay for remediation under state voluntary cleanup programs. Data on state voluntary cleanup programs demonstrate that such programs have inconsistent cleanup standards, public participation requirements, technical expertise and oversight authorities. These failings can threaten public health, particularly at sites containing high levels of contamination.

Congress agreed on a definition of the term ''brownfields'' in the Brownfields Act, which President Bush signed into law on January 11, 2002. The Brownfields Act initially broadly defines the term, but then excludes many heavily contaminated toxic waste sites from the definition. This ensures that cleanup officials can continue to use the polluter-pays principle to enforce federal laws that incorporate tough cleanup standards. The law permits an expansion of this definition—on a site-by-site basis—where doing so would not endanger public health.

H.R. 2941's definition of ''brownfields'' contains none of these protections. Instead, it contains a very broad definition of the term ''brownfields'' that would allow federal agencies to use taxpayer funds to pay for remediation under state voluntary cleanup programs at heavily contaminated sites. H.R. 2941 could also allow federal agencies to use taxpayer funds to cleanup sites that have viable businesses that caused the contamination.

The Department of Housing and Urban Development's Brownfields Economic Development Initiative (''BEDI'') could provide significant taxpayer funding for activities that could threaten public health and weaken application of the polluter-pays principle. While BEDI contains only about $25 million, state and local government use BEDI funds to access hundreds of million of dollars in low-interest loans under the federal Community Development Block Grant Program (''CDBG''). The CDBG and BEDI programs allow funded entities to use the federal taxpayer funds on remedial activities. (*See* www.hud.gov/bedifact.cfm.) In fact, HUD's webpage states ''[t]he most common use of CBDG funds for brownfields has been for remediation, followed by site assessment and redevelopment.'' This means taxpayers could pay for cleanups, rather the parties responsible for the contamination.

Incorporating the definition from the Brownfield Act into H.R. 2941 should be noncontroversial. The House, Senate, and administration all agreed on a definition of the term ''brownfields'' in 2002. Representatives of HUD have stated that the agency does not fund cleanups at heavily contaminated sites and that HUD supports the polluter-pays principle. Staff for members on the House Financial Services Committee concurred with the HUD representatives. Members of the environmental community urged the staff to modify the definition of brownfields consistent with this shared understanding. Unfortunately, some staff opposed codifying this understanding because they claimed that it would increase red tape. However, codifying agency practice should not increase regulatory burden.

Expediting the cleanup of brownfields is a priority for our groups and should be a priority for federal and state governments. However, government should not create avenues for development that could endanger public health or reduce incentives for polluters to manage their toxic wastes responsibly. We urge the House of Representatives to help ensure that people can safely use new residential, commercial and other developments, and that polluting industries do not create new toxic waste sites.

Sincerely,

DON HOPPERT,
Director of Federal Affairs, American Public Health Association.

SARA ZDEB,
Legislative Representative, Friends of the Earth.

ALYS CAMPAIGNE,
Legislative Director, Natural Resources Defense Council.

DEBBIE SEASE,
Legislative Director, Sierra Club.

SUSAN WEST MARMAGAS, MPH,
Director, Environment and Health Program, Physicians for Social Responsibility.

GRANT COPE,
Staff Attorney, US PIRG.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields Redevelopment Enhancement Act. The primary purpose of this legislation is to increase the flexibility of the HUD Brownfields Economic Development Initiative (BEDI) and make the program available to more local governments.

Since its inception the larger brownfields program has proven an effective government response to a serious environmental problem. Brownfields spot our country from coast to coast, especially in areas with high or formerly high levels of industrial activity. Brownfields are abandoned, or under-used industrial and commercial facilities where further redevelopment is impeded by environmental contamination.

The locations have potential for economic development but are held back by the environmental problems created by former or current users. The EPA program has successfully used a variety of financial and technical assistance to restore these sites which would otherwise be doomed to further decay.

The Brownfields program was established by the EPA by regulation. Earlier this year Congress expressed its strong bipartisan support for brownfields cleanup by passing the Small Business Liability Relief and Brownfields Revitalization Act. Today's legislation builds on this effort by increasing the access to brownfields dollars.

The Brownfields Redevelopment Enhancement Act, of which I am the lead Democratic sponsor, de-links Brownfields Economic Development Fund grants from the HUD Section

108 loan program. In its current construction, this linking requires that communities set aside Community Development Block Grant (CDBG) funds as collateral for these loans. The delinking accomplished by our legislation will greatly increase the availability of brownfields cleanup funds for localities across the country.

One of the reasons that the brownfields programs has been so successful is that it combines support from the environmental community with that from a strong coalition of local governments and developers. Some environmental groups have expressed concern that the definition of ''brownfields'' in H.R. 2941 does not sufficiently track the definition in the Small Business Liability Relief and Brownfields Revitalization Act and could threaten the principle that polluters pay for their damage. While I support this legislation today, it is my intention to work with these groups to satisfy these concerns as this legislation moves forward.

It has been my pleasure to work with my colleagues on the Financial Services Committee on this legislation which was introduced by Representative GARY MILLER. I also want to thank Housing Subcommittee Ranking Member BARNEY FRANK and his staff for their work on this bill.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 p.m.

COMMUNICATION FROM THE HONORABLE KEN CALVERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable KEN CALVERT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with civil subpoena for documents issued by the San Bernardino County, California Superior Court.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

KEN CALVERT,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 4823, by the yeas and nays;

H.R. 4800, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4823.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4823, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 41, as follows:

[Roll No. 207]

YEAS—392

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Stenholm