

108TH CONGRESS  
1ST SESSION

# S. 645

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 18, 2003

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brownfields Redevelop-  
5 ment Assistance Act of 2003”.

1 **SEC. 2. PURPOSES.**

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

5 (1) to provide targeted assistance, including  
6 planning assistance, for projects that promote—

7 (A) the redevelopment, restoration, and  
8 economic recovery of brownfield sites; and

9 (B) eco-industrial development; and

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

18 **SEC. 3. DEFINITIONS.**

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

21 (1) by redesignating paragraphs (1), (2), and  
22 (3) through (10) as paragraphs (2), (3), and (5)  
23 through (12), respectively;

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

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

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

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

18           “(A) economic gains;

19           “(B) improved environmental quality; and

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

22           and

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

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

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

4 **SEC. 4. COORDINATION.**

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

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

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

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

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

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

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

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

1 **“SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOP-**  
2 **MENT.**

3 “(a) IN GENERAL.—On the application of an eligible  
4 recipient, the Secretary may make grants for projects to  
5 alleviate or prevent conditions of excessive unemployment,  
6 underemployment, blight, and infrastructure deterioration  
7 associated with brownfield sites, including projects con-  
8 sisting of—

9 “(1) the development of public facilities;

10 “(2) the development of public services;

11 “(3) business development (including funding of  
12 a revolving loan fund);

13 “(4) planning;

14 “(5) technical assistance;

15 “(6) training; and

16 “(7) the purchase of environmental insurance  
17 with respect to an activity described in any of para-  
18 graphs (1) through (3).

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

21 “(1) the Secretary determines that the project  
22 will assist the area where the project is or will be lo-  
23 cated to meet, directly or indirectly, a special need  
24 arising from—

1           “(A) a high level of unemployment or  
2           underemployment, or a high proportion of low-  
3           income households;

4           “(B) the existence of blight and infrastruc-  
5           ture deterioration;

6           “(C) dislocations resulting from commer-  
7           cial or industrial restructuring;

8           “(D) outmigration and population loss, as  
9           indicated by—

10           “(i)(I) depletion of human capital (in-  
11           cluding young, skilled, or educated popu-  
12           lations);

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

15           “(III) a shrinking tax base; and

16           “(ii) resulting—

17           “(I) fiscal pressure;

18           “(II) restricted access to mar-  
19           kets; and

20           “(III) constrained local develop-  
21           ment potential; or

22           “(E) the closure or realignment of—

23           “(i) a military or Department of En-  
24           ergy installation; or

25           “(ii) any other Federal facility; and

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

3           “(A) the Secretary has approved a com-  
4 prehensive economic development strategy for  
5 the area where the project is or will be located;  
6 and

7           “(B) the project is consistent with the  
8 comprehensive economic development strategy.

9           “(c) PARTICULAR COMMUNITY ASSISTANCE.—Assist-  
10 ance under this section may include assistance provided  
11 for activities identified by a community, the economy of  
12 which is injured by the existence of 1 or more brownfield  
13 sites, to assist the community in—

14           “(1) revitalizing affected areas by—

15           “(A) diversifying the economy of the com-  
16 munity; or

17           “(B) carrying out industrial or commercial  
18 (including mixed use) redevelopment, or eco-in-  
19 dustrial development, projects on brownfield  
20 sites;

21           “(2) carrying out development that conserves  
22 land by—

23           “(A) reusing existing facilities and infra-  
24 structure;

1           “(B) reclaiming unused land and aban-  
2           doned buildings; or

3           “(C) promoting eco-industrial development,  
4           and environmentally responsible development, of  
5           brownfield sites; or

6           “(3) carrying out a collaborative economic de-  
7           velopment planning process, developed with broad-  
8           based and diverse community participation, that ad-  
9           dresses the economic repercussions and opportunities  
10          posed by the existence of brownfield sites in an area.

11          “(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY  
12          ELIGIBLE RECIPIENT.—

13           “(1) IN GENERAL.—Subject to paragraph (2),  
14           an eligible recipient of a grant under this section  
15           may directly expend the grant funds or may redis-  
16           tribute the funds to public and private entities in the  
17           form of a grant, loan, loan guarantee, payment to  
18           reduce interest on a loan guarantee, or other appro-  
19           priate assistance.

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

23          (b) CONFORMING AMENDMENT.—The table of con-  
24          tents in section 1(b) of the Public Works and Economic  
25          Development Act of 1965 (42 U.S.C. prec. 3121) is



1 amended by striking the items relating to sections 210  
2 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.”.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

7 **“SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR**  
8 **BROWNFIELD SITE REDEVELOPMENT.**

9 “(a) IN GENERAL.—In addition to amounts made  
10 available under section 701, there is authorized to be ap-  
11 propriated to carry out section 210 \$60,000,000 for each  
12 of fiscal years 2004 through 2008, to remain available  
13 until expended.

14 “(b) FEDERAL SHARE.—Notwithstanding section  
15 204, subject to section 205, the Federal share of the cost  
16 of activities funded with amounts made available under  
17 subsection (a) shall be not more than 75 percent.”.

18 (b) CONFORMING AMENDMENT.—The table of con-  
19 tents in section 1(b) of the Public Works and Economic  
20 Development Act of 1965 (42 U.S.C. prec. 3121) is

- 1 amended by adding at the end of the items relating to
- 2 title VII the following:

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

