

109TH CONGRESS
1ST SESSION

H. R. 280

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2005

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Brownfields Redevelop-
3 ment Enhancement Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

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

6 (1) returning the Nation’s brownfield sites to
7 productive economic use could generate more than
8 550,000 additional jobs and up to \$2,400,000,000
9 in new tax revenues for cities and towns;

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

13 (3) lack of funding for redevelopment is a pri-
14 mary obstacle impeding the reuse of brownfield sites;

15 (4) the Department of Housing and Urban De-
16 velopment is the agency of the Federal Government
17 that is principally responsible for supporting commu-
18 nity development and encouraging productive land
19 use in urban areas of the United States;

20 (5) grants under the Brownfields Economic De-
21 velopment Initiative of the Department of Housing
22 and Urban Development provide local governments
23 with a flexible source of funding to pursue
24 brownfields redevelopment through land acquisition,
25 site preparation, economic development, and other
26 activities;

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

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

15 (b) PURPOSE.—The purpose of this Act is to provide
16 cities and towns with more flexibility for brownfields devel-
17 opment, increased accessibility to brownfields redevel-
18 opment funds, and greater capacity to coordinate and col-
19 laborate with other government agencies—

20 (1) by providing additional incentives to invest
21 in the development and redevelopment of brownfield
22 sites; and

23 (2) by de-linking grants for brownfields develop-
24 ment from community development loan guarantees

1 and the related pledge of community development
2 block grant funds.

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

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

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

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

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

19 “(1) shall be used, as provided in subsection (a)
20 of this section, only for activities specified in section
21 108(a);

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

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

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

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

17 “(e) SELECTION CRITERIA AND LEVERAGING.—The
18 Secretary shall establish criteria for awarding grants
19 under this section, which may include the extent to which
20 the applicant has obtained other Federal, State, local, or
21 private funds for the projects and activities to be assisted
22 with grant amounts and such other criteria as the Sec-
23 retary considers appropriate. Such criteria shall include
24 consideration of the appropriateness of the extent of finan-

1 cial leveraging involved in the projects and activities to
2 be funded with the grant amounts.

3 “(f) DEFINITION OF BROWNFIELD SITE.—For pur-
4 poses of this section, the term ‘brownfield site’ has the
5 meaning given such term in section 101(39) of the Com-
6 prehensive Environmental Response, Compensation, and
7 Liability Act of 1980 (42 U.S.C. 9601(39)). Such term
8 includes a site that meets the requirements under sub-
9 paragraph (D) of such section for inclusion as a
10 brownfield site for purposes of section 104(k) of such Act
11 (42 U.S.C. 9604(k)).

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated for grants under this
14 section such sums as may be necessary for each of fiscal
15 years 2006, 2007, 2008, 2009, and 2010.”.

16 **SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOP-**
17 **MENT AS ELIGIBLE CDBG ACTIVITY.**

18 (a) TECHNICAL CORRECTION.—Subsection (a) of sec-
19 tion 105 of the Housing and Community Development Act
20 of 1974 (42 U.S.C. 5305(a)) is amended—

21 (1) by striking paragraph (24) and all that fol-
22 lows through the end of the subsection and inserting
23 the new paragraph (24) inserted by section 2(3) of
24 Public Law 108–146 (117 Stat. 1883);

(2) by adding at the end (after the paragraph added by paragraph (1) of this subsection) the new paragraph (20) added by section 907(b)(1)(C) of Public Law 101–625 (104 Stat. 4388) and redesignating such paragraph as paragraph (25); and

(3) by adding at the end (after the paragraphs added by paragraphs (1) and (2) of this subsection) the new paragraph (21) added by section 1012(f)(3)) of Public Law 102–550 (106 Stat. 3905) and redesignating such paragraph as paragraph (26).

(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) (as added by subsection (a)(1) of this section), by striking “and” at the end;

(2) in paragraph (25) (as added by subsection (a)(2) of this section), by striking the period at the end and inserting a semicolon;

(3) in paragraph (26) (as added by subsection (a)(3) of this section), by striking the period at the end and inserting “; and”; and

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

1 “(27) economic development and redevelopment
2 activities related to projects for brownfields sites (as
3 such term is defined in section 123(f)), in conjunc-
4 tion with the appropriate environmental regulatory
5 agencies, except that assistance pursuant to this
6 paragraph shall not be provided in a manner that re-
7 duces the financial responsibility of any nongovern-
8 mental party that is responsible or potentially re-
9 sponsible for contamination on any real property and
10 the provision of assistance pursuant to this para-
11 graph shall not in any way relieve any party of li-
12 ability with respect to such contamination, including
13 liability for removal and remediation costs.”.

14 **SEC. 5. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG**
15 **FUNDS TO ADMINISTER RENEWAL COMMU-**
16 **NITIES.**

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

21 **SEC. 6. APPLICABILITY.**

22 The amendments made by this Act shall apply only
23 with respect to amounts made available for fiscal year

1 2006 and fiscal years thereafter for use under the provi-
2 sions of law amended by this Act.

Passed the House of Representatives December 13,
2005.

Attest:

KAREN L. HAAS,

Clerk.