

109TH CONGRESS  
1ST SESSION

# H. R. 280

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2005

Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY, Mr. OXLEY, Mr. FRANK of Massachusetts, Mr. NEY, Mr. KANJORSKI, Mr. LEACH, Ms. HART, Mr. SOUDER, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

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,*

### 3   **SECTION 1. SHORT TITLE.**

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

### 6   **SEC. 2. FINDINGS AND PURPOSES.**

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

1           (1) returning the Nation's brownfield sites to  
2           productive economic use could generate more than  
3           550,000 additional jobs and up to \$2,400,000,000  
4           in new tax revenues for cities and towns;

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

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

10          (4) the Department of Housing and Urban De-  
11          velopment is the agency of the Federal Government  
12          that is principally responsible for supporting commu-  
13          nity development and encouraging productive land  
14          use in urban areas of the United States;

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

22          (6) to be eligible for such grant funds, a com-  
23          munity must be willing to pledge community devel-  
24          opment block grant funds as partial collateral for a  
25          loan guarantee under section 108 of the Housing

1 and Community Development Act of 1974, and this  
2 requirement is a barrier to many local communities  
3 that are unable or unwilling to pledge such block  
4 grant funds as collateral; and

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

11 (b) PURPOSES.—The purpose of this Act is to provide  
12 cities and towns with more flexibility for brownfields devel-  
13 opment, increased accessibility to brownfields redevel-  
14 opment funds, and greater capacity to coordinate and col-  
15 laborate with other government agencies—

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

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

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

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

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

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

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

17 “(1) be used, as provided in subsection (a) of  
18 this section, only for activities specified in section  
19 108(a); and

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

23 “(c) AVAILABILITY OF ASSISTANCE.—The Secretary  
24 shall not require, for eligibility for a grant under this sec-  
25 tion, that such grant amounts be used only in connection

1 or conjunction with projects and activities assisted with  
 2 a loan guaranteed under section 108.

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

6 “(e) SELECTION CRITERIA AND LEVERAGING.—The  
 7 Secretary shall establish criteria for awarding grants  
 8 under this section, which may include the extent to which  
 9 the applicant has obtained other Federal, State, local, or  
 10 private funds for the projects and activities to be assisted  
 11 with grant amounts and such other criteria as the Sec-  
 12 retary considers appropriate. Such criteria shall include  
 13 consideration of the appropriateness of the extent of finan-  
 14 cial leveraging involved in the projects and activities to  
 15 be funded with the grant amounts.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 17 are authorized to be appropriated for grants under this  
 18 section such sums as may be necessary for each of fiscal  
 19 years 2006, 2007, 2008, 2009, and 2010.”.

20 **SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOP-**  
 21 **MENT AS ELIGIBLE CDBG ACTIVITY.**

22 (a) TECHNICAL CORRECTION.—The penultimate pro-  
 23 viso of the first undesignated paragraph of the item relat-  
 24 ing to “Community Development Block Grants Fund” in  
 25 title II of the Departments of Veterans Affairs and Hous-

ing 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:

1           “(5) PILOT PROGRAM FOR NATIONAL REDEVEL-  
2           OPMENT OF BROWNFIELDS.—

3           “(A) IN GENERAL.—Using any amounts  
4           made available under this subsection, the Sec-  
5           retary may establish a pilot program under  
6           which grants under this subsection are used to  
7           develop, maintain, and administer (including  
8           the payment of an entity or entities selected  
9           pursuant to subparagraph (B)) a common loan  
10          pool of development loans for brownfield rede-  
11          velopment projects made on behalf of eligible  
12          public entities with the proceeds of obligations  
13          guaranteed under this section, including related  
14          security and a common loans loss reserve ac-  
15          count, for the benefit of participants in the pilot  
16          program.

17          “(B) SELECTION OF PROGRAM MANAGERS  
18          AND CONTRACTORS.—The Secretary may select  
19          an entity or entities on a competitive or non-  
20          competitive basis to carry out any of the func-  
21          tions involved in the pilot program.

22          “(C) TERMS FOR PARTICIPATION.—Par-  
23          ticipation by eligible public entities in the pilot  
24          program shall be under such terms and condi-  
25          tions as the Secretary may require.

1                   “(D) AUTHORIZATION OF APPROPRIA-  
 2                   TIONS.—There are authorized to be appro-  
 3                   priated such sums as may be necessary—

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

7                   “(ii) for costs of carrying out the pilot  
 8                   program under this paragraph and ensur-  
 9                   ing that the program is carried out in an  
 10                  effective, efficient, and viable manner.”.

11 **SEC. 6. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG**  
 12 **FUNDS TO ADMINISTER RENEWAL COMMU-**  
 13 **NITIES.**

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

18 **SEC. 7. APPLICABILITY.**

19           The amendments made by this Act shall apply only  
 20 with respect to amounts made available for fiscal year  
 21 2006 and fiscal years thereafter for use under the provi-  
 22 sions of law amended by this Act.

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