

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. LEVIN introduced the following bill; which was read twice and referred
to the Committee on _____

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 “Brownfield Redevelop-
5 ment Assistance Act of 2003”.

6 **SEC. 2. PURPOSES.**

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

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

3 (A) the redevelopment, restoration, and
4 economic recovery of brownfield sites; and

5 (B) eco-industrial development; and

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

14 **SEC. 3. DEFINITIONS.**

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

17 (1) by redesignating paragraphs (1), (2), and
18 (3) through (10) as paragraphs (2), (3), and (5)
19 through (12), respectively;

20 (2) by inserting before paragraph (2) (as so re-
21 designated) the following:

22 “(1) BROWNFIELD SITE.—The term ‘brownfield
23 site’ means a brownfield site (as defined in section
24 101 of the Comprehensive Environmental Response,
25 Compensation, and Liability Act of 1980 (42 U.S.C.

1 9601)) with respect to which an entity has received,
2 or is eligible to receive, funding under section 104(k)
3 of that Act (42 U.S.C. 9604(k)) for site character-
4 ization, assessment, or remediation.”;

5 (3) by inserting after paragraph (3) (as redesign-
6 nated by paragraph (1)) the following:

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

14 “(A) economic gains;

15 “(B) improved environmental quality; and

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

18 and

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

20 “(13) UNUSED LAND.—The term ‘unused land’
21 means any publicly-owned or privately-owned un-
22 used, underused, or abandoned land that is not con-
23 tributing to the quality of life or economic well-being
24 of the community in which the land is located.”.

1 **SEC. 4. COORDINATION.**

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

4 (1) by inserting “(a) COMPREHENSIVE ECO-
5 NOMIC DEVELOPMENT STRATEGIES.—” before “The
6 Secretary”; and

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

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

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

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

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

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

22 **“SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOP-**
23 **MENT.**

24 “(a) IN GENERAL.—On the application of an eligible
25 recipient, the Secretary may make grants for projects to
26 alleviate or prevent conditions of excessive unemployment,

1 underemployment, blight, and infrastructure deterioration
2 associated with brownfield sites, including projects con-
3 sisting of—

4 “(1) the development of public facilities;

5 “(2) the development of public services;

6 “(3) business development (including funding of
7 a revolving loan fund);

8 “(4) planning;

9 “(5) technical assistance;

10 “(6) training; and

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

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

16 “(1) the Secretary determines that the project
17 will assist the area where the project is or will be lo-
18 cated to meet, directly or indirectly, a special need
19 arising from—

20 “(A) a high level of unemployment or
21 underemployment, or a high proportion of low-
22 income households;

23 “(B) the existence of blight and infrastruc-
24 ture deterioration;

1 “(C) dislocations resulting from commer-
2 cial or industrial restructuring;

3 “(D) outmigration and population loss, as
4 indicated by—

5 “(i)(I) depletion of human capital (in-
6 cluding young, skilled, or educated popu-
7 lations);

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

10 “(III) a shrinking tax base; and

11 “(ii) resulting—

12 “(I) fiscal pressure;

13 “(II) restricted access to mar-
14 kets; and

15 “(III) constrained local develop-
16 ment potential; or

17 “(E) the closure or realignment of—

18 “(i) a military or Department of En-
19 ergy installation; or

20 “(ii) any other Federal facility; and

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

23 “(A) the Secretary has approved a com-
24 prehensive economic development strategy for

1 the area where the project is or will be located;
2 and

3 “(B) the project is consistent with the
4 comprehensive economic development strategy.

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

10 “(1) revitalizing affected areas by—

11 “(A) diversifying the economy of the com-
12 munity; or

13 “(B) carrying out industrial or commercial
14 (including mixed use) redevelopment, or eco-in-
15 dustrial development, projects on brownfield
16 sites;

17 “(2) carrying out development that conserves
18 land by—

19 “(A) reusing existing facilities and infra-
20 structure;

21 “(B) reclaiming unused land and aban-
22 doned buildings; or

23 “(C) promoting eco-industrial development,
24 and environmentally responsible development, of
25 brownfield sites; or

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

6 “(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY
7 ELIGIBLE RECIPIENT.—

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

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

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
21 amended by striking the items relating to sections 210
22 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.”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

5 **“SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR**
6 **BROWNFIELD SITE REDEVELOPMENT.**

7 “(a) IN GENERAL.—In addition to amounts made
8 available under section 701, there is authorized to be ap-
9 propriated to carry out section 210 \$60,000,000 for each
10 of fiscal years 2003 through 2007, to remain available
11 until expended.

12 “(b) FEDERAL SHARE.—Notwithstanding section
13 204, subject to section 205, the Federal share of the cost
14 of activities funded with amounts made available under
15 subsection (a) shall be not more than 75 percent.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents in section 1(b) of the Public Works and Economic
18 Development Act of 1965 (42 U.S.C. prec. 3121) is
19 amended by adding at the end of the items relating to
20 title VII the following:

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