

107TH CONGRESS  
1ST SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2001

Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY of New York, Mr. OXLEY, and Mrs. ROUKEMA) 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”.

1 **SEC. 2. BROWNFIELDS ECONOMIC DEVELOPMENT INITIA-**  
2 **TIVE.**

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

6 **“SEC. 123. BROWNFIELDS ECONOMIC DEVELOPMENT INI-**  
7 **TIATIVE.**

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) for projects and activities to assist  
14 the environmental cleanup and economic development of  
15 brownfield sites.

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

19 “(c) AVAILABILITY OF ASSISTANCE.—The Secretary  
20 may not require, for eligibility for a grant under this sec-  
21 tion, that such grant amounts be used only in connection  
22 or conjunction with projects and activities assisted with  
23 a loan guaranteed under section 108.

24 “(d) SELECTION CRITERIA AND LEVERAGING.—The  
25 Secretary shall establish criteria for awarding grants  
26 under this section, which may include the extent to which

1 the applicant has obtained other Federal, State, local, or  
 2 private funds for the projects and activities to be assisted  
 3 with grant amounts and such other criteria as the Sec-  
 4 retary considers appropriate.

5 “(e) BROWNFIELD SITE.—The Secretary shall, by  
 6 regulation, define the term ‘brownfield site’ for purposes  
 7 of this section. In establishing such definition, the Sec-  
 8 retary shall consult with other appropriate Federal agen-  
 9 cies to ensure that the efforts of the various Federal agen-  
 10 cies regarding environmental cleanup and economic devel-  
 11 opment of brownfield sites are complimentary, coordi-  
 12 nated, and not inconsistent.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 14 are authorized to be appropriated for grants under this  
 15 section such sums as may be necessary for each of fiscal  
 16 years 2002, 2003, and 2004.”.

17 **SEC. 3. CDBG LOAN GUARANTEES FOR LOANS FOR**  
 18 **BROWNFIELDS REDEVELOPMENT ACTIVI-**  
 19 **TIES.**

20 (a) INCREASE IN GUARANTEE LIMIT.—Section  
 21 108(b) of the Housing and Community Development Act  
 22 of 1974 (42 U.S.C. 5308(b)) is amended—

- 23 (1) by inserting “(1)” after “(b)”; and  
 24 (2) by adding at the end the following new  
 25 paragraph:

1 “(2) Notes and other obligations that are guaranteed  
 2 under this section after the date of the enactment of the  
 3 Brownfields Redevelopment Enhancement Act shall not  
 4 count for purposes of the issuer’s limitation under para-  
 5 graph (1) to the extent that such notes or obligations—

6 “(A) are issued for the purpose of financing  
 7 projects, activities, and costs described in subsection  
 8 (a)(7); and

9 “(B) do not exceed an amount equal to 5 times  
 10 the amount of the grant approval for the issuer pur-  
 11 suant to section 106 or 107.”.

12 (b) CLARIFICATION OF BROWNFIELDS REDEVELOP-  
 13 MENT AS ELIGIBLE ACTIVITY.—The first sentence of sec-  
 14 tion 108(a) of the Housing and Community Development  
 15 Act of 1974 (42 U.S.C. 5308(a)) is amended—

16 (1) by striking “or” before “(6)”; and

17 (2) by inserting before the period at the end the  
 18 following: “; or (7) projects and activities, and costs  
 19 (as defined by the Secretary) thereof, to assist the  
 20 environmental cleanup and economic development of  
 21 brownfield sites (as such term is defined in section  
 22 123(e))”.

1 **SEC. 4. IMPLEMENTATION OF COMMUNITY EMPOWERMENT**  
2 **FUND PILOT PROGRAM.**

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

6 “(5) COMMUNITY EMPOWERMENT FUND PILOT  
7 PROGRAM.—

8 “(A) IMPLEMENTATION.—The Secretary  
9 shall implement the Community Empowerment  
10 Fund Pilot program by reissuing the Notice of  
11 Funding Availability (NOFA) for the Economic  
12 Development Initiative (EDI) Community Em-  
13 powerment Fund (CEF) Pilot, Department of  
14 Housing and Urban Development, published in  
15 the Federal Register of June 30, 2000 (Vol. 65,  
16 No. 127, p. 40836). In reissuing such notice of  
17 funding availability, the Secretary shall consider  
18 revisions that will improve the utilization of the  
19 CEF pilot program for brownfields redevelop-  
20 ment purposes.

21 “(B) FUNDING.—Any amounts made avail-  
22 able for grants under this subsection shall be  
23 available for carrying out the Community Em-  
24 powerment Fund Pilot program referred in sub-  
25 paragraph (A).”.

1 **SEC. 5. HUD BROWNFIELDS STUDY.**

2 (a) IN GENERAL.—The Secretary of Housing and  
3 Urban Development shall conduct a study to review the  
4 activities of the Federal Government relating to redevelop-  
5 ment of brownfields. Under the study, the Secretary  
6 shall—

7 (1) determine the extent and scope of the rede-  
8 velopment problems in the United States caused by  
9 the existence of brownfields;

10 (2) identify existing sources of support and as-  
11 sistance for redevelopment of brownfields and ana-  
12 lyze and evaluate the strengths and weaknesses of  
13 existing sources of support;

14 (3) identify Federal and State technical assist-  
15 ance for redevelopment of brownfields and any  
16 shortages or gaps in such assistance;

17 (4) identify problems in the existing policies  
18 and programs for redevelopment of brownfields that  
19 suggest that new policies and programs would be  
20 more effective or efficient in achieving such redevelop-  
21 opment;

22 (5) recommend new policies and programs to  
23 redevelop brownfields in a more effective and effi-  
24 cient manner; and

25 (6) identify the circumstances under which  
26 former brownfields sites could safely and appro-

1        priately be used for residential purposes and specify  
2        criteria, standards, and guidelines for redevelopment  
3        for such use.

4        (b) REPORT.—Not later than 9 months after the date  
5        of the enactment of this Act, the Secretary of Housing  
6        and Urban Development shall submit to the Congress a  
7        report describing the study and the results of the study,  
8        which shall include the information and recommendations  
9        required under subsection (a).

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