

adopting this version of the House bill, H.R. 1417, we will be able to move to final passage without delay. It is time these important reforms were implemented.

Ms. COLLINS. Madam President, I ask unanimous consent that the amendment that is at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3975) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (H. R. 1417), as amended, was read the third time and passed.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2004

Ms. COLLINS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 754, S. 1134.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1134) to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[SHORT TITLE.—This Act may be cited as the "Economic Development Administration Reauthorization Act of 2003".]

SEC. 2. FINDINGS AND DECLARATIONS.

[Section 2 of the Public Works and Economic Development Act of 1965, as amended ("PWEDA") (42 U.S.C. 3121), is revised to read as follows:

SEC. 2. FINDINGS AND DECLARATIONS.

["(a) FINDINGS.—Congress finds that—

["(1) while the fundamentals for growth in the American economy remain strong, there continue to be areas experiencing chronic high unemployment, underemployment, low per capita incomes, and outmigration as well as areas facing sudden and severe economic dislocations due to structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

["(2) sustained economic growth in our Nation, States, cities and rural areas is pro-

duced by expanding free enterprise through trade and enhanced competitiveness of regions;

["(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging local and regional communities to develop a more competitive and diversified economic base by:

["(A) promoting job creation through increased innovation, productivity, and entrepreneurship; and

["(B) empowering local and regional communities experiencing chronic high unemployment and low per capita income to attract substantially increased private-sector capital investment;

["(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, tribal and State organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

["(5) in order to avoid wasteful duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, common measures of success, and simplified and consistent requirements; and

["(6) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade, workforce investment, and technology programs of the United States.

["(b) DECLARATIONS.—Congress declares that, in order to promote a strong and growing economy throughout the United States:

["(1) assistance under this Act should be made available to both rural and urban distressed communities;

["(2) local communities should work in partnership with neighboring communities, Indian tribes, the States, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to enhance regional competitiveness in the global economy and support long-term development of regional economies; and

["(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to focus on strengthening entrepreneurship and competitiveness, and to take advantage of the development opportunities afforded by technological innovation and expanding and newly opened global markets."]

SEC. 3. DEFINITIONS.

[Section 3 of PWEDA (42 U.S.C. 3122) is amended as follows:

["(1) Subparagraph (4)(A) of this section is amended by striking subparagraph (i) and redesignating successive subparagraphs (ii) through (vii) as (i) through (vi) and revising subparagraph (iv) as re-designated to read as follows:

["(iv) a city or other political subdivision of a State, including a special purpose unit of State or local government, or a consortium of political subdivisions;"]

["(2) Subparagraph 4(B) is amended by adding at the end thereof a new sentence:

["The requirement under subparagraph (A)(vi) that the nonprofit organization or association is 'acting in cooperation with officials of a political subdivision of a State' does not apply in the case of research, training and technical assistance grants under section 207 that are national or regional in scope."]

["(3) Paragraphs (8), (9) and (10) are amended by re-designating them as paragraphs (9),

(10), and (11) and a new paragraph (8) is added as follows:

["(8) REGIONAL COMMISSIONS.—The term 'Regional Commissions' as used in section 403 of this Act refers to the regional economic development authorities: the Delta Regional Authority (Public Law No. 106-554, sec. 1(a)(4) [div. B, title VI], 114 Stat. 2763A-268) (7 U.S.C. 2009aa et seq.), the Denali Commission (Public Law No. 105-277, div. C, title III, 112 Stat. 2681-637) (42 U.S.C. 3121 note), and the Northern Great Plains Regional Authority (Public Law No. 107-171, 116 Stat. 375) (7 U.S.C. 2009bb et seq.)."]

["(4) A new paragraph (12) is added at the end to read as follows:

["(12) UNIVERSITY CENTER.—The term 'university center' refers to a University Center for Economic Development established pursuant to the authority of section 207(a)(2)(D) of this Act."]

SEC. 4. WORKING WITH NONPROFIT ORGANIZATIONS IN ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

[Section 101 of PWEDA (42 U.S.C. 3131) is amended as follows:

["(1) In subsection (b) strike "and multi-State regional organizations" and insert in lieu thereof "multi-State regional organizations, and nonprofit organizations".

["(2) In subsection (d), strike "adjoining" each time it occurs.

SEC. 5. SUB-GRANTS IN CONNECTION WITH PUBLIC WORKS PROJECTS.

[Section 201 of PWEDA (42 U.S.C. 3141) is amended by adding a new subsection (d) as follows:

["(d) SUB-GRANTS.—

["(1) Subject to paragraph (2), a recipient of a grant under this section may directly expend the grant funds or may redistribute the funds in the form of a sub-grant to other recipients eligible to receive assistance under this section to fund required components of the scope of work approved for the project.

["(2) Under paragraph (1), a recipient may not redistribute grant funds to a for-profit entity."]

SEC. 6. CLARIFICATION OF GRANTS FOR STATE PLANNING.

[Section 203 of PWEDA (42 U.S.C. 3143) is amended as follows:

["(1) Revise paragraph (1) of subsection (d) to read as follows:

["(1) DEVELOPMENT.—Any State plan developed with assistance under this section shall, to the maximum extent practicable, take into consideration regional economic development strategies."]

["(2) Strike paragraph (3) of subsection (d) in its entirety and re-designate paragraphs (4) and (5) as (3) and (4);

["(3) Revise re-designated paragraph (3) of subsection (d) by striking "and" at the end of subparagraph (C) and re-designating current subparagraph (D) as (E) and adding a new subparagraph (D) to read as follows:

["(D) assist in carrying out state's workforce investment strategy (as outlined in the State plan required under section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822)); and";

["(4) Add a new subsection (e) at the end thereof as follows:

["(e) SUB-GRANTS.—

["(1) Subject to paragraph (2), a recipient of a grant under this section may directly expend the grant funds or may redistribute the funds in the form of a sub-grant to other recipients eligible to receive assistance under this section to fund required components of the scope of work approved for the project.

["(2) Under paragraph (1), a recipient may not redistribute grant funds to a for-profit entity."]

[SEC. 7. SIMPLIFICATION OF DETERMINATION OF GRANT RATES.]

[Sections 204 and 205 of PWEDA (42 U.S.C. 3144, 3145) are amended to read as follows:

["SEC. 204. COST SHARING.]

["(a) **FEDERAL SHARE.**—The Secretary shall issue regulations to establish the applicable grant rates for projects based on the relative needs of the areas in which the projects are located. Except as provided in subsection (c) below, the amount of a grant for a project under this title may not exceed 80 percent of the cost of the project.

["(b) **NON-FEDERAL SHARE.**—In determining the amount of the non-Federal share of the cost of a project, the Secretary may provide credit toward the non-Federal share for all contributions both in cash and in-kind, fairly evaluated, including contributions of space, equipment, and services, and assumptions of debt.

["(c) INCREASE IN FEDERAL SHARE.—

["(1) **INDIAN TRIBES.**—In the case of a grant to an Indian tribe, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

["(2) **CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.**—In the case of a grant to a State (or a political subdivision of a State), that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

["SEC. 205. GRANTS SUPPLEMENTING OTHER AGENCY GRANTS (42 U.S.C. 3145).]

["(a) **DEFINITION OF DESIGNATED FEDERAL GRANT PROGRAM.**—In this section, the term 'designated Federal grant program' means any Federal grant program that—

["(1) provides assistance in the construction or equipping of public works, public service, or development facilities;

["(2) is designated as eligible for an allocation of funds under this section by the Secretary; and

["(3) assists projects that are—

["(A) eligible for assistance under this title; and

["(B) consistent with a comprehensive economic development strategy.

["(b) **SUPPLEMENTARY GRANTS.**—Subject to subsection (c) below, in order to assist eligible recipients to take advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the eligible recipient is eligible but, because of the recipient's economic situation, for which the eligible recipient cannot provide the required non-Federal share.

["(c) **REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—**

["(1) **AMOUNT OF SUPPLEMENTARY GRANTS.**—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable grant rate under section 204.

["(2) **FORM OF SUPPLEMENTARY GRANTS.**—The Secretary shall make supplementary grants by—

["(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

["(B) the award of funds under this Act which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.

["(3) **FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.**—Notwithstanding any

requirement as to the amount or source of non-Federal funds that may be applicable to a Federal program, funds provided under this section may be used to increase the Federal share for specific projects under the program that are carried out in areas described in section 301(a) above the Federal share of the cost of the project authorized by the law governing the program."

[SEC. 8. REGULATIONS ON ALLOCATIONS TO ENSURE JOB CREATION POTENTIAL.]

[Subsection 206 of PWEDA (42 U.S.C. 3146) is amended by striking "and" at the end of subparagraph (1)(C), inserting "and" at the end of paragraph (2), and adding a new paragraph (3) at the end thereof to read as follows:

["(3) allocations of assistance under this title promote job creation through increased innovation, productivity, and entrepreneurship, and financial assistance extended pursuant to such allocations will have a high probability of meeting or exceeding applicable performance requirements established in connection with extension of the assistance."

[SEC. 9. INCREASED FLEXIBILITY IN GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.]

[(a) Section 207 of PWEDA (42 U.S.C. 3147) is amended by striking "and" at the end of subparagraph (2)(F) of subsection (a), redesignating current subparagraph (G) as (H), and adding a new subparagraph (G) to read as follows:

["(G) studies that evaluate the effectiveness of collaborations between projects funded under this Act with projects funded under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and"

[(b) Section 207 is further amended by adding a new subsection (c) to read as follows:

["(c) **SUB-GRANTS.**—A recipient of a grant under this section may directly expend the grant funds or may redistribute the funds in the form of a sub-grant to other recipients eligible to receive assistance under this section to fund required components of the scope of work approved for the project."

[SEC. 10. REMOVAL OF SECTION.]

[Section 208 of PWEDA (42 U.S.C. 3148) is stricken in its entirety and insert in lieu thereof:

["SEC. 208. [Repealed]."]

[SEC. 11. IMPROVEMENTS IN ADMINISTRATION GRANTS FOR ECONOMIC ADJUSTMENT INVOLVING REVOLVING LOAN FUND PROJECTS.]

[(a) Subsection (d) of section 209 of PWEDA (42 U.S.C. 3149) is amended by striking "an eligible" in each case it occurs in paragraphs (1) and (2) and inserting in lieu thereof "a recipient"

[(b) Section 209 of PWEDA (42 U.S.C. 3149) is amended by adding a new subsection (e) at the end thereof as follows:

["(e) **SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.**—The Secretary shall promulgate regulations to ensure the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

["(1) **EFFICIENT ADMINISTRATION.**—In order to improve the ability to manage and administer the Federal interest in revolving loan funds and in accordance with regulations issued for such purposes, the Secretary may amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria. In addition, the Secretary may assign or transfer assets of a revolving loan fund to a third party for the purpose of liquidation and a third party may retain assets of the fund to defray costs related to liquidation. The Secretary may also take such other actions with respect to management and administration as the Secretary deter-

mines to be appropriate to carry out the purposes of this Act, including actions to enable revolving loan funds operators to sell or securitize loans to the secondary market (except that such actions may not include issuance of a Federal guaranty by the Secretary).

["(2) **RELEASE OF FEDERAL INTERESTS.**—The Secretary may release, in whole or in part, any property interest in connection with a revolving loan fund grant after the date that is 20 years after the date on which the grant was awarded, provided that the recipient—

["(A) is in compliance with the terms of its grant and operating the fund at an acceptable level of performance as determined by the Secretary; and

["(B) reimburses the government prior to the release for the amount of the Secretary's investment in the fund or the pro-rata share of the fund at the time of the release, whichever is less.

Any action taken by the Secretary pursuant to this subsection with respect to a revolving loan fund shall not constitute a new obligation provided that all grant funds associated with the original grant award have been disbursed to the recipient."

[SEC. 12. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.]

[Section 211 of PWEDA (42 U.S.C. 3151) is amended to read as follows:

["SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.]

["In any case in which the Secretary has made a grant for a construction project under sections 201 or 209 of this title, and before closeout of the project, the Secretary determines that the cost of the project based on the designs and specifications that were the basis of the grant has decreased because of decreases in costs—

["(1) without further appropriations action, the Secretary may approve the use of the excess funds or a portion of the funds to improve the project; and

["(2) any amount of excess funds remaining after application of paragraph (1) may be used for other investments authorized for support under this Act.

In addition to paragraphs (1) and (2) of this section, in the event of construction underruns in projects utilizing funds transferred from other Federal agencies pursuant to section 604 of this Act, the Secretary may utilize these funds in conjunction with paragraphs (1) or (2) with the approval of the originating agency or will return the funds to the originating agency."

[SEC. 13. SPECIAL IMPACT AREAS.]

[Title II of PWEDA is further amended by adding a new section 214 as follows:

["SEC. 214. SPECIAL IMPACT AREAS.]

["**SPECIAL IMPACT AREAS.**—The Secretary is authorized to make grants, enter into contracts and provide technical assistance for projects and programs that the Secretary finds will fulfill a pressing need of the area and be useful in alleviating or preventing conditions of excessive unemployment or underemployment or assist in providing useful employment opportunities for the unemployed or underemployed residents in the area. In extending assistance under this section, the Secretary may waive, in whole or in part, as appropriate, the provisions of section 302 of this Act provided that the Secretary determines that such assistance will carry out the purposes of the Act."

[SEC. 14. PERFORMANCE INCENTIVES.]

[Title II of PWEDA is further amended by adding a new section 215 as follows:

["SEC. 215. PERFORMANCE INCENTIVES.]

["(a) In accordance with regulations issued for such purposes, the Secretary may award

transferable performance credits in an amount that does not exceed 10 percent of the grant amount awarded under sections 201 or 209 of this Act on or after the effective date of this amendment. The Secretary shall base such performance incentives on the extent to which a recipient meets or exceeds performance requirements established in connection with extension of the assistance.

“(b) A recipient awarded a transferable performance credit under this section may redeem the credit to increase the Federal share of a subsequent grant funded under sections 201 and 209 of this Act above the maximum Federal share allowable under section 204 up to 80 percent of the project cost. A performance credit must be redeemed within 5 years of its issue date.

“(c) An original recipient may also sell or transfer the credit in its entirety to another eligible recipient for use in connection with a grant approved by the Secretary under this Act without reimbursement to the Secretary for redemption in accordance with subsection (b) above.

“(d) The Secretary shall attach such terms and conditions or limitations as the Secretary deems appropriate in issuing a performance credit. Performance credits shall be paid out of appropriations for economic development assistance programs made available in the year of redemption to the extent of availability.

“(e) The Secretary shall include information regarding issuance of performance credits in the annual report under section 603 of this Act.”

[SEC. 15. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.]

[Subparagraph (a)(3)(A) of section 302 of PWEDA (42 U.S.C. 3162) is amended by adding “maximizes effective development and use of the workforce (consistent with any applicable state and local workforce investment strategy under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” between “access,” and “enhances”.

[SEC. 16. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS.]

[Subparagraph (a)(3)(B) of section 401 of PWEDA (42 U.S.C. 3171) is amended by striking “by each affected State and”.

[SEC. 17. DISTRICT INCENTIVES.]

[Section 403 of PWEDA (42 U.S.C. 3173) is amended by striking it in its entirety and re-designating sections 404 and 405 as sections 403 and 404. Section 403 as re-designated is amended by adding at the end the following new sentence: “If any part of an economic development district is in a region covered by one or more other Regional Commissions as defined in section 3(8) of this Act, the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected regional commission.”.

[SEC. 18. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.]

[Section 502 of PWEDA (42 U.S.C. 3192) is amended to read as follows:

[“SEC 502. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE]

“(In carrying out this Act, the Secretary shall—

“(1) maintain a central information clearinghouse on the Internet with information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government, links to State economic development organizations, and links to other appropriate economic development resources;

“(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Fed-

eral and State laws in locating and applying for the assistance;

“(3) assist areas described in section 301(a) and other areas by providing to interested persons, communities, industries, and businesses in the areas any technical information, market research, or other forms of assistance, information, or advice that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment in the areas; and

“(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.”.

[SEC. 19. REMOVAL OF UNUSED AUTHORITY.]

[Section 505 of PWEDA (42 U.S.C. 3195) is amended by striking it in its entirety and sections 506 and 507 are re-designated as sections 505 and 506.

[SEC. 20. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.]

[Section 505 of PWEDA (42 U.S.C. 3196) as re-designated is amended as follows:

“(1) In subsection (c), strike “after the effective date of the Economic Development Administration Reform Act of 1998”.

“(2) In paragraph (d)(2), strike “and” before “disseminating results” and insert “, and measuring the outcome-based results of the university centers’ activities” before the period at the end thereof.

“(3) In paragraph (d)(3) of section 506, insert before the period at the end thereof “as evidenced by outcome-based results, including the number of jobs created or retained, and amount of private-sector funds leveraged”.

“(4) In subsection (e) of section 506, strike “university center or” each occasion it occurs.

[SEC. 21. CITATION CORRECTIONS.]

[Section 602 PWEDA (42 U.S.C. 3212) is amended by striking the citations to “40 U.S.C. 276A—276A-5” and “section 276c” and inserting in lieu thereof, “40 U.S.C. 3141 et seq.” and “section 3154”, respectively.

[SEC. 22. DELETION OF UNNECESSARY PROVISION.]

[Section 609 of PWEDA (42 U.S.C. 3219) is amended by striking subsection (a) in its entirety and striking the subsection designation “(b)”.

[SEC. 23. GENERAL AUTHORIZATION OF APPROPRIATIONS.]

[Section 701 of PWEDA (42 U.S.C. 3231) is amended to read as follows:

[“SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.]

“(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act \$331,027,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005, 2006, 2007, and 2008, to remain available until expended.

“(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act \$33,377,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years from 2005 through 2008, to remain available until expended.”.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Economic Development Administration Reauthorization Act of 2004”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declarations.

Sec. 102. Definitions.

Sec. 103. Establishment of Economic Development partnerships.

Sec. 104. Coordination.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Grants for planning.

Sec. 202. Cost sharing.

Sec. 203. Supplementary grants.

Sec. 204. Regulations on relative needs and allocations.

Sec. 205. Grants for training, research, and technical assistance.

Sec. 206. Prevention of unfair competition.

Sec. 207. Grants for economic adjustment.

Sec. 208. Use of funds in projects constructed under projected cost.

Sec. 209. Special impact areas.

Sec. 210. Performance awards.

Sec. 211. Planning performance awards.

Sec. 212. Direct expenditure or redistribution by recipient.

Sec. 213. Brownfields redevelopment.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Eligibility of areas.

Sec. 302. Comprehensive Economic Development strategies.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Incentives.

Sec. 402. Provision of comprehensive Economic Development strategies to Regional Commissions.

TITLE V—ADMINISTRATION

Sec. 501. Economic Development information clearinghouse.

Sec. 502. Businesses desiring Federal contracts.

Sec. 503. Performance evaluations of grant recipients.

Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS

Sec. 601. Annual report to Congress.

Sec. 602. Relationship to assistance under other law.

Sec. 603. Sense of Congress regarding Economic Development Representatives.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

Sec. 702. Funding for grants for planning and grants for administrative expenses.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended to read as follows:

“SEC. 2. FINDINGS AND DECLARATIONS.

“(a) **FINDINGS.**—Congress finds that—

“(1) there continue to be areas of the United States experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations because of structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

“(2) economic growth in the States, cities, and rural areas of the United States is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development;

“(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

“(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

“(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

“(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment;

“(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private State, regional, tribal, and local organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

“(5) in order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements; and

“(6) Federal economic development efforts will be more effective if the efforts are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

“(b) **DECLARATIONS.**—In order to promote a strong and growing economy throughout the United States, Congress declares that—

“(1) assistance under this Act should be made available to both rural- and urban-distressed communities;

“(2) local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase the capacity of the local communities to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy; and

“(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets.”.

SEC. 102. DEFINITIONS.

(a) **ELIGIBLE RECIPIENT.**—Section 3(4)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as redesignated by paragraph (1)) by inserting “, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,” after “State”.

(b) **REGIONAL COMMISSIONS; UNIVERSITY CENTER.**—Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively;

(2) by inserting after paragraph (7) the following:

“(8) **REGIONAL COMMISSIONS.**—The term ‘Regional Commissions’ means—

“(A) the Appalachian Regional Commission established under chapter 143 of title 40, United States Code;

“(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);

“(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637 et seq.); and

“(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).”;

(3) by adding at the end the following:

“(12) **UNIVERSITY CENTER.**—The term ‘university center’ means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).”.

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended—

(1) in subsection (b), by striking “and multi-State regional organizations” and inserting “multi-State regional organizations, and nonprofit organizations”; and

(2) in subsection (d)(1), by striking “adjoining” each place it appears.

SEC. 104. COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “The Secretary”;

(2) in subsection (a) (as designated by paragraph (1)), by inserting “Indian tribes,” after “districts.”; and

(3) by adding at the end the following:

“(b) **MEETINGS.**—To carry out subsection (a), or for any other purpose relating to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.”.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1), by inserting “, to the maximum extent practicable,” after “developed” the second place it appears;

(2) by striking paragraph (3) and inserting the following:

“(3) **COORDINATION.**—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans.”; and

(3) in paragraph (4)—

(A) by striking “and” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by adding after subparagraph (C) the following:

“(D) assist in carrying out the workforce investment strategy of a State;

“(E) promote the use of technology in economic development, including access to high-speed telecommunications; and”.

SEC. 202. COST SHARING.

(a) **FEDERAL SHARE.**—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended by striking subsection (a) and inserting the following:

“(a) **FEDERAL SHARE.**—Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed—

“(1) 50 percent; plus

“(2) an additional percent that—

“(A) shall not exceed 30 percent; and

“(B) is based on the relative needs of the area in which the project will be located, as determined in accordance with regulations promulgated by the Secretary.”.

(b) **NON-FEDERAL SHARE.**—Section 204(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(b)) is amended by inserting “assumptions of debt,” after “equipment.”.

(c) **INCREASE IN FEDERAL SHARE.**—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended by adding at the end the following:

“(c) **INCREASE IN FEDERAL SHARE.**—

“(1) **INDIAN TRIBES.**—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

“(2) **CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.**—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted the effective taxing and borrowing capacity of the State or political subdivision, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted the effective borrowing capacity of the nonprofit organization, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

“(3) **TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.**—In the case of a grant provided under section 207, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project if the Secretary determines that the project funded by the grant merits, and is not feasible without, such an increase.”.

SEC. 203. SUPPLEMENTARY GRANTS.

(a) **IN GENERAL.**—Section 205 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145) is amended by striking subsection (b) and inserting the following:

“(b) **SUPPLEMENTARY GRANTS.**—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the economic situation of the recipient.”.

(b) **REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.**—Section 205(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) **AMOUNT OF SUPPLEMENTARY GRANTS.**—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

“(2) **FORM OF SUPPLEMENTARY GRANTS.**—The Secretary shall make supplementary grants by—

“(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

“(B) the provision of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.”; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146) is amended—

(1) in paragraph (1)(C), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(3)(A) rural and urban economically distressed areas are not harmed by the establishment or implementation by the Secretary of a private sector leveraging goal for a project under this title;

“(B) any private sector leveraging goal established by the Secretary does not prohibit or discourage grant applicants under this title from public works in, or economic development of, rural or urban economically distressed areas; and

“(C) the relevant Committees of Congress are notified prior to making any changes to any private sector leveraging goal; and

“(4) grants made under this title promote job creation and will have a high probability of assisting the recipient in meeting or exceeding applicable performance requirements established in connection with the grants.”.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking “and” at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (I); and

(3) by inserting after subparagraph (F) the following:

“(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts;

“(H) assessment, marketing, and establishment of business clusters; and”.

(b) COOPERATION REQUIREMENT.—Section 207(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)) is amended by striking paragraph (3) and inserting the following:

“(3) COOPERATION REQUIREMENT.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.”.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

(a) IN GENERAL.—Section 208 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3148) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 208.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) ASSISTANCE TO MANUFACTURING COMMUNITIES.—Section 209(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)) is amended—

(1) in paragraph (3), by striking “or”;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(5) the loss of manufacturing jobs, for reinvesting in and diversifying the economies of the communities.”.

(b) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT; SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—Section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) is amended by striking subsection (d) and inserting the following:

“(d) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

“(2) EFFICIENT ADMINISTRATION.—The Secretary may—

“(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

“(B) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation; and

“(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

“(3) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

“(4) PRESERVATION OF SECURITIES LAWS.—

“(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph

(2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless exempted by rule or regulation of the Securities and Exchange Commission.

“(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation promulgated by the Secretary under this subsection supersedes or otherwise affects the application of the securities laws (as the term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization under that Commission.”.

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended to read as follows:

“SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

“(a) IN GENERAL.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriation, the use of the excess funds (or a portion of the excess funds) by the recipient—

“(1) to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 204; or

“(2) to improve the project.

“(b) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

“(c) TRANSFERRED FUNDS.—In the case of excess funds described in subsection (a) in projects using funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

“(1) use the funds in accordance with subsection (a), with the approval of the originating agency; or

“(2) return the funds to the originating agency.

“(d) REVIEW BY COMPTROLLER GENERAL.—

“(1) REVIEW.—The Comptroller General of the United States shall review the implementation of this section for each fiscal year.

“(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller General under this subsection.”.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

“SEC. 214. SPECIAL IMPACT AREAS.

“(a) IN GENERAL.—On the application of an eligible recipient that is determined by the Secretary to be unable to comply with the requirements of section 302, the Secretary may waive, in whole or in part, the requirements of section 302 and designate the area represented by the recipient as a special impact area.

“(b) CONDITIONS.—The Secretary may make a designation under subsection (a) only after determining that—

“(1) the project will fulfill a pressing need of the area; and

“(2) the project will—

“(A) be useful in alleviating or preventing conditions of excessive unemployment or underemployment; or

“(B) assist in providing useful employment opportunities for the unemployed or underemployed residents in the area.

“(c) NOTIFICATION.—At the time of the designation under subsection (a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notice of the designation, including a justification for the designation.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 213 the following:

“Sec. 214. Special impact areas.”.

SEC. 210. PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 209) is amended by adding at the end the following:

“SEC. 215. PERFORMANCE AWARDS.

“(a) IN GENERAL.—The Secretary may make a performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under section 201 or 209.

“(b) PERFORMANCE MEASURES.—

“(1) REGULATIONS.—The Secretary shall promulgate regulations to establish performance measures for making performance awards under subsection (a).

“(2) CONSIDERATIONS.—In promulgating regulations under paragraph (1), the Secretary shall consider the inclusion of performance measures that assess—

“(A) whether the recipient meets or exceeds scheduling goals;

“(B) whether the recipient meets or exceeds job creation goals;

“(C) amounts of private sector capital investments leveraged; and

“(D) such other factors as the Secretary determines to be appropriate.

“(c) AMOUNT OF AWARDS.—

“(1) IN GENERAL.—The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

“(2) MAXIMUM AMOUNT.—The amount of a performance award may not exceed 10 percent of the amount of the grant.

“(d) USE OF AWARDS.—A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may promulgate.

“(e) FEDERAL SHARE.—Notwithstanding section 204, the funds of a performance award may be used to pay up to 100 percent of the cost of an eligible project or activity.

“(f) TREATMENT IN MEETING NON-FEDERAL SHARE REQUIREMENTS.—For the purposes of meeting the non-Federal share requirements under this, or any other, Act the funds of a performance award shall be treated as funds from a non-Federal source.

“(g) TERMS AND CONDITIONS.—In making performance awards under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers to be appropriate.

“(h) FUNDING.—The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.

“(i) REPORTING REQUIREMENT.—The Secretary shall include information regarding performance awards made under this section in the annual report required under section 603.

“(j) REVIEW BY COMPTROLLER GENERAL.—

“(1) REVIEW.—The Comptroller General shall review the implementation of this section for each fiscal year.

“(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller under this subsection.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 214 the following:

“Sec. 215. Performance awards.”.

SEC. 211. PLANNING PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 210) is amended by adding at the end the following:

“SEC. 216. PLANNING PERFORMANCE AWARDS.

“(a) IN GENERAL.—The Secretary may make a planning performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under this title located in an economic development district.

“(b) ELIGIBILITY.—The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before closeout of the project that—

“(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

“(2) the project is consistent with the comprehensive economic development strategy of the district;

“(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

“(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

“(c) MAXIMUM AMOUNT.—The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.

“(d) USE OF AWARDS.—A recipient of a planning performance award under subsection (a) shall use the award to increase the Federal share of the cost of a project under this title.

“(e) FEDERAL SHARE.—Notwithstanding section 204, the funds of a planning performance award may be used to pay up to 100 percent of the cost of a project under this title.

“(f) FUNDING.—The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Planning performance awards.”.

SEC. 212. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 211) is amended by adding at the end the following:

“SEC. 217. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

“(a) IN GENERAL.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

“(b) LIMITATION.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.

“(c) ECONOMIC ADJUSTMENT.—Subject to subsection (d), a recipient of a grant under section 209 may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

“(d) LIMITATION.—Under subsection (c), a recipient may not provide any grant to a private for-profit entity.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 216 the following:

“Sec. 217. Direct expenditure or redistribution by recipient.”.

SEC. 213. BROWNFIELDS REDEVELOPMENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 212) is amended by adding at the end the following:

“SEC. 218. BROWNFIELDS REDEVELOPMENT.

“(a) DEFINITION OF BROWNFIELD SITE.—In this section, the term ‘brownfield site’ has the meaning given the term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

“(b) GRANTS.—On the application of eligible recipients, the Secretary may make grants for projects on brownfield sites to alleviate or prevent conditions of inadequate private capital investment, unemployment, underemployment, blight, underutilized or abandoned land, outmigration or population loss, or infrastructure deterioration, including projects consisting of—

“(1) acquisition, development, or reuse of land and infrastructure improvements for a public works, service, or facility;

“(2) development of public facilities, including design and engineering, construction, rehabilitation, alteration, expansion, or improvement, and related machinery and equipment;

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

“(4) planning;

“(5) technical assistance; and

“(6) any other assistance determined by the Secretary to alleviate the economic impacts of brownfield sites consistent with the objectives of this title.

“(c) PROHIBITION ON REMEDIATION.—

“(1) DEFINITIONS.—In this subsection:

“(A) HAZARDOUS SUBSTANCE.—The term ‘hazardous substance’ has the meaning given the term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

“(B) RELEASE.—The term ‘release’ has the meaning given the term in section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(22)).

“(C) REMEDIATION.—The term ‘remediation’ does not include response activities described in section 104(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(a)(3)).

“(2) PROHIBITION.—Except as provided in paragraph (3), a grant made under this section shall not be used for remediation to prevent or minimize the release of hazardous substances.

“(3) EXCEPTION FOR INCIDENTAL REMEDIATION.—

“(A) IN GENERAL.—Paragraph (2) does not apply to remediation that is incidental to the economic redevelopment project.

“(B) LIMITATION.—Except as provided in subparagraph (C), incidental remediation shall not exceed \$50,000 at any individual project.

“(C) EXCEPTIONAL CIRCUMSTANCES.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may waive subparagraph (B) in exceptional circumstances that further the mission of the Economic Development Administration.

“(ii) LIMITATION.—If the Secretary waives subparagraph (B) for a project, the cost of the incidental remediation at the project shall not exceed \$200,000.

“(D) STANDARDS.—A recipient of a grant under this section that is used for incidental remediation shall—

“(i) obtain written approval or clearance from the appropriate Federal and State regulatory authority for the hazardous waste remediation; and

“(ii) comply with all applicable Federal and State laws.

“(4) EFFECT ON FEDERAL AND STATE LAWS.—Nothing in this section affects any liability, obligation, or response authority under Federal or State law.

“(d) ADDITIONAL LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a grant made under this section shall be subject to section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)).

“(2) EXCEPTIONS.—

“(A) ADMINISTRATIVE COSTS.—A recipient of a grant made under this section may use grant funds for the administrative costs of economic development activities.

“(B) COMPLIANCE COSTS.—A recipient of a grant made under this section may use grant funds for the compliance costs of economic development activities.

“(C) BONA FIDE PROSPECTIVE PURCHASER.—For purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), a recipient of a grant under this section that otherwise satisfies the definition of ‘bona fide prospective purchaser’ under section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(40)) shall be considered to be within that definition regardless of the date on which the grant recipient acquires ownership of a facility.

“(e) ASSISTANCE AT OTHER SITES.—Nothing in this section affects the authority of the Secretary to provide assistance to eligible recipients under this Act for economic development projects at a site other than a brownfield site.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 217 the following:

“Sec. 218. Brownfields redevelopment.”.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. ELIGIBILITY OF AREAS.

Section 301(c)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(c)(1)) is amended by inserting after “most recent Federal data available” the following: “(including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate)”.

SEC. 302. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) IN GENERAL.—Section 302(a)(3)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162(a)(3)(A)) is amended by inserting “maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy, promotes the use of technology in economic development (including access to high-speed telecommunications),” after “access,”.

(b) APPROVAL OF OTHER PLAN.—Section 302(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162(c)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) EXISTING STRATEGY.—To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.”.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. INCENTIVES.

(a) IN GENERAL.—Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3173) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 403.

SEC. 402. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) IN GENERAL.—Section 404 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3174) is amended to read as follows:

“SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

“If any part of an economic development district is in a region covered by 1 or more of the Regional Commissions, the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 404 and inserting the following:

“Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.”.

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3192) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) maintain a central information clearinghouse on the Internet with—

“(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

“(B) links to State economic development organizations; and

“(C) links to other appropriate economic development resources;”;

(2) by striking paragraph (2) and inserting the following:

“(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;”;

(3) by striking the period at the end of paragraph (3) and inserting “; and”; and

(4) by adding at the end the following:

“(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.”.

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

(a) IN GENERAL.—Section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3195) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 505.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

(a) IN GENERAL.—Section 506(c) of the Public Works and Economic Development Act of 1965

(42 U.S.C. 3196(c)) is amended by striking “after the effective date of the Economic Development Administration Reform Act of 1998”.

(b) EVALUATION CRITERIA.—Section 506(d)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3196(d)(2)) is amended by inserting “program performance,” after “applied research.”.

SEC. 504. CONFORMING AMENDMENTS.

Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) is amended—

(1) in the first sentence, by striking “in accordance with” and all that follows before the period at the end and inserting “in accordance with subchapter IV of chapter 31 of title 40, United States Code”; and

(2) in the third sentence, by striking “section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)” and inserting “section 3145 of title 40, United States Code”.

TITLE VI—MISCELLANEOUS

SEC. 601. ANNUAL REPORT TO CONGRESS.

Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213) is amended—

(1) by striking “Not later” and inserting the following:

“(a) IN GENERAL.—Not later”; and

(2) by adding at the end the following:

“(b) INCLUSIONS.—Each report required under subsection (a) shall—

“(1) include a list of the waivers issued under section 218(c)(3)(C);

“(2) include a list of all grant recipients by State, including the projected private sector dollar to Federal dollar investment ratio for each grant recipient;

“(3) include a discussion of any private sector leveraging goal with respect to grants awarded to—

“(A) rural and urban economically distressed areas; and

“(B) highly distressed areas; and

“(4) after the completion of a project, include the realized private sector dollar to Federal dollar investment ratio for the project.”.

SEC. 602. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking “(b) ASSISTANCE UNDER OTHER ACTS.—”.

SEC. 603. SENSE OF CONGRESS REGARDING ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—Congress finds that—

(1) planning and coordination among Federal agencies, State and local governments, Indian tribes, and economic development districts is vital to the success of an economic development program;

(2) economic development representatives of the Economic Development Administration provide distressed communities with the technical assistance necessary to foster this planning and coordination; and

(3) in the 5 years preceding the date of enactment of this Act, the number of economic development representatives has declined by almost 25 percent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should maintain a sufficient number of economic development representatives to ensure that the Economic Development Administration is able to provide effective assistance to distressed communities and foster economic growth and development among the States.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231) is amended to read as follows:

“SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

“(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act, to remain available until expended—

“(1) \$400,000,000 for fiscal year 2004;

“(2) \$425,000,000 for fiscal year 2005;

“(3) \$450,000,000 for fiscal year 2006;

“(4) \$475,000,000 for fiscal year 2007; and

“(5) \$500,000,000 for fiscal year 2008.”

“(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act, to remain available until expended—

“(1) \$33,377,000 for fiscal year 2004; and

“(2) such sums as are necessary for each fiscal year thereafter.”.

SEC. 702. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

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

“SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

“(a) IN GENERAL.—Of the amounts made available under section 701 for each fiscal year, not less than \$27,000,000 shall be made available for grants provided under section 203.

“(b) WAIVER.—Subsection (a) shall not apply in any case in which the total amount made available for a fiscal year for all programs under this Act (excluding programs described in paragraphs (1) and (2) of section 209(c)) is less than \$255,000,000.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 703 the following:

“Sec. 704. Funding for grants for planning and grants for administrative expenses.”.

Mr. JEFFORDS. Mr. President, I am pleased that today we are about to enact S. 1134, the Economic Development Administration Reauthorization Act of 2004. This bipartisan bill, which I helped craft, will strengthen the agency's ability to assist economically distressed communities in Vermont and across the Nation by providing approximately \$1.3 billion in economic development grants over the next 5 years.

Since its establishment in 1965, the Economic Development Administration, EDA, has invested more than \$18.4 billion in more than 52,000 projects in all 50 States and in U.S. territories. These EDA investments have been supplemented by approximately \$8.3 billion in matching funds from investment partners and have leveraged approximately \$90.6 billion in private sector investment. In total, these investments have created more than 2.9 million jobs and saved more than 830,000 jobs.

In Vermont, for example, EDA funds have been used to develop a business incubator in Randolph and will soon be used to provide high-speed Internet access to the states most rural region of Caledonia, Essex, Orleans, Lamoille, Franklin, and Grand Isle Counties. My goal with this legislation has been to increase the investment of EDA dollars

in Vermont, and 5 years from now I believe that will be demonstrated.

The bill we are considering today is slightly altered from the one that we passed out of the Environment and Public Works Committee last June. In an effort to speed eventual enactment into law, this substitute bill is not only supported by myself, Senator INHOFE, the Chairman of the Environment and Public Works Committee, Senators BOND and REID, the Chairman and Ranking Member of the Environment Committee's Transportation and Infrastructure Subcommittee, but it is also supported by our House counterparts on the Transportation and Infrastructure Committee.

I am pleased we were able to increase funding for planning in this bill. EDA has an important role to play in supporting planning at the local level. EDA has an important role as well to encourage the leveraging of federal funds. However, there is language in this bill that ensures that rural and urban economically distressed areas are not adversely impacted by internal EDA leveraging goals.

Turning to brownfields, I am pleased this bill encourages EDA to promote the redevelopment of abandoned industrial facilities and brownfields. The economic and social benefits of brownfields redevelopment are well documented. For example, in June 2003, the U.S. Conference of Mayors estimated that brownfields redevelopment could generate more than 575,000 additional jobs and up to \$1.9 billion annually in new tax revenues for cities. In addition, according to EPA, every acre of reused brownfields preserves an estimated 4.5 acres of unused open space. Estimates of the number of brownfields sites nationwide range from 450,000 to as many as a million.

This bill complements the 2002 Environmental Protection Agency brownfields cleanup law by encouraging EDA to make economic redevelopment of brownfields a priority. In other words, EPA's focus is to facilitate the environmental assessment and cleanup of abandoned sites, whereas EDA's role is to encourage the economic reuse of the property.

I agree with EDA Administrator David Sampson, who in response to a question from the EPW Committee, wrote, "cleanup activities are most appropriately handled by state and federal environmental regulatory agencies with the background and technical expertise to address complex remediation issues." As such, I expect that EDA would only fund redevelopment projects at sites that have been certified as "clean" by EPA or the State environmental agency. In the rare circumstance that an EDA grant recipient discovers minimal contamination as part of a redevelopment project, this bill would require any remediation activities be conducted in compliance with all Federal, State, and local laws and standards. EDA grantees should obtain the prior written approval of

EPA or the State environmental agency to ensure that the remediation is protective of human health and the environment.

Of course, EDA also must uphold the "polluter pays" principle by ensuring that Federal dollars are never given to the polluter to clean up contamination that they caused in the first place. Likewise, nothing in this bill in any way affects the liability of any party under Superfund, RCRA or any other federal or state law.

The final brownfields-related aspect of the bill requires a General Auditing Office study of EDA's brownfield grants. This study should provide valuable data on the extent to which EDA brownfield redevelopment grants involve remediation activities, the environmental standards applied and the role of Federal, State and local environmental agencies and public participation in the cleanup process. It is my hope that such information will enable future Congresses to revisit these issues to ensure more explicitly that any remediation performed is truly incidental to the larger economic redevelopment project and that cleanups performed using federal dollars are protective of human health and the environment.

In closing I praise the bipartisan member and staff effort that went into crafting this important bill. In particular, I acknowledge the work of Geoffrey Brown and Malcolm Woolf on my staff; Angie Giancarlo and Frank Fannon on Senator INHOFE's staff; David Montes on Senator REID's staff; and Nick Karellas and Ellen Stein on Senator BOND's staff.

Mrs. BOXER. Mr. President, the Economic Development Administration provides critical support to distressed communities. Included in this reauthorization bill is assistance for the productive reuse of abandoned industrial facilities and the redevelopment of brownfields. I support that effort.

Unfortunately, the bill also includes new language allowing EDA to do site assessment and remediation. This is, and should remain, the job of the Environmental Protection Agency. As is evident in the manager's amendment to the bill, it is Congress's intent that EDA abide by the same site assessment and remediation standards and protocols as does EPA.

Furthermore, under this bill, Federal funds provided by EDA for assessment or cleanup will only be provided consistent with the "Polluter Pays" principle. That is, funds will not be provided to those who are responsible for the pollution.

Specifically, EDA shall not provide funds for response costs to parties potentially responsible for those costs under section 107 of CERCLA, or to owners or operators responsible for corrective action under the Leaking Underground Storage Tank program pursuant to the Solid Waste Disposal Act, or to any other party responsible for the pollution.

Mr. President, EDA agrees with Congress's intent. On April 28, 2004, David Sampson, Assistant Secretary of Commerce for Economic Development, told the Senate Environment and Public Works Committee, "EDA is not seeking to in any way relieve a responsible party from liability under CERCLA nor to provide funds to a party to undertake clean-ups required under CERCLA, since to do so would undercut the 'Polluter Pays' principle on which CERCLA was founded."

Under any Federal program, when Federal funds are used for cleanup, it is very important to ensure that assessment and cleanup costs not be shifted away from the polluter and onto taxpayers. To the limited extent EDA is involved in funding cleanups, Congress's intent in this bill and EDA's policy is that polluters remain responsible for their own cleanup costs. Polluters must pay to clean up their own messes.

Mr. LAUTENBERG. Mr. President, I rise to speak on the bill to reauthorize the Economic Development Administration, EDA, which provides critical support to needed communities. Since its establishment, the Economic Development Administration has invested over \$18 billion in more than 50,000 projects in all parts of the United States. These investments have been supplemented by matching funds from investment partners, and have leveraged a great deal of investment by the private sector.

The reauthorization bill before us today includes assistance for the productive use of abandoned industrial facilities and the redevelopment of brownfields. I support that effort. While the Environmental Protection Agency's role under the 2002 law is to facilitate the environmental assessment and cleanup of abandoned brownfield sites, EDA's role is to encourage the economic reuse of the property.

Under this bill, Federal funds provided by EDA for assessment or cleanup will only be provided consistent with the "Polluter Pays" principle. That is, funds will not be provided to those who are responsible for the pollution. They are responsible for cleaning up the mess they made. That is, funds will not be provided to those who are responsible for the pollution. They are responsible for cleaning up the mess they made.

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It is very important to ensure that assessment and clean-up costs are not shifted from the polluter to the taxpayers. To the extent that EDA is involved in funding cleanups, Congress'

intent in this bill and EDA's policy must be the same: polluters are responsible for paying to clean up their own messes.

Mr. INHOFE. Mr. President, I rise to discuss S. 1134, the Economic Development Administration reauthorization bill, that was approved by the Senate today. This is an important piece of legislation for our Nation's economically distressed communities. These areas count on EDA to help create favorable environments for long-term economic growth. Studies have shown that EDA uses Federal dollars efficiently and effectively—creating and retaining long-term jobs at an average cost that is among the lowest in government. The bill emphasizes coordination, flexibility and performance. These tools will allow the Secretary to continue and even improve and increase the good work done by the agency.

In particular, I would like to highlight the performance award program and the reforms to the revolving loan fund, RLF, program included in the bill. The performance award program will allow the Secretary to reward those grant recipients who meet or exceed expectations regarding performance measures such as jobs created and private sector investment.

The reforms to the RLF program are needed to ensure the agency can continue to capitalize new and recapitalize existing RLFs. The current administrative burden of these funds is large. This bill will allow the Secretary to reduce that burden, both for the agency and for the local RLF managers, while providing appropriate oversight.

Enactment of this legislation will be good for my home State of Oklahoma in several ways as well. First, it will ensure that the communities of Elgin and Durant are able to move forward with infrastructure improvements that will support the attraction of private sector investment and the creation of jobs. Enactment will also result in much needed investment in Ottawa County, providing funding for the city of Miami—a city that has suffered economic hardship due to its proximity to a Superfund site.

Additionally, the bill preserves the ability of Economic Development Districts to use planning funds to provide technical assistance and cover administrative costs. This is especially important for the small, rural communities of Oklahoma that do not have the resources to maintain the professional and technical capacity needed to develop and implement comprehensive economic development strategies. Economic Development Districts work to fill this hole and should not be prevented from doing so.

I would like to thank my colleagues here in the Senate, in the House of Representatives and in the administration for working so diligently and cooperatively with me to complete work on this very important legislation. I would also like to thank the staff for

their hard work—from my staff: Angie Giancarlo and Frank Fannon; from Senator JEFFORDS' staff: Geoff Brown and Malcolm Woolf; from Senator BOND's staff: Nick Karellas and Ellen Stein; from Senator REID's staff: David Montes; and from EDA: Nat Wienecke, Paul Pisano, Ben Erulkar and Dennis Alvord.

Mr. JEFFORDS. Mr. President, the Economic Development Administration Reauthorization Act of 2004, S. 1134, contains important provisions relating to the redevelopment of brownfields. As the ranking member of the Environment and Public Works Committee, I want to take the opportunity to explain these provisions. Before I begin, let me acknowledge the contributions of Senator CHAFEE, chair of the Superfund and Waste Management subcommittee, in developing these provisions and note that he supports my comments today.

S. 1134 encourages EDA to promote the redevelopment of abandoned industrial facilities and brownfields. The economic and social benefits of brownfields redevelopment are well documented. For example, in June 2003, the U.S. Conference of Mayors estimated that brownfields redevelopment could generate more than 575,000 additional jobs and up to \$1.9 billion annually in new tax revenues for cities. In addition, according to EPA, every acre of reused brownfields preserves an estimated 4.5 acres of unused open space. Estimates of the number of brownfields sites nationwide range from 450,000 to as many as a million.

This bill complements the 2002 Environmental Protection Agency brownfields cleanup law by encouraging EDA to make economic redevelopment of brownfields a priority. In other words, EPA's focus is to facilitate the environmental assessment and cleanup of abandoned sites, whereas EDA's role is to encourage the economic reuse of the property.

I agree with EDA Administrator David Sampson, who in response to a question from the EPW Committee, wrote, "cleanup activities are most appropriately handled by state and federal environmental regulatory agencies with the background and technical expertise to address complex remediation issues." As such, I expect that EDA would only fund redevelopment projects at sites that have been certified as "clean" by EPA or the State environmental agency. In the rare circumstance that an EDA grant recipient discovers minimal contamination as part of a redevelopment project, this bill would require any remediation activities be conducted in compliance with all Federal, State, and local laws and standards. EDA grantees should obtain the prior written approval of EPA or the State environmental agency to ensure that the remediation is protective of human health the environment.

Of course, EDA also must uphold the "polluter pays" principle by ensuring

that Federal dollars are never given to the polluter to clean up contamination that they caused in the first place. Likewise, nothing in this bill in any way affects the liability of any party under Superfund, RCRA or any other Federal or State law.

The final brownfields-related aspect of the bill requires a General Auditing Office study of EDA's brownfield grants. This study should provide valuable data on the extent to which EDA brownfield redevelopment grants involve remediation activities, the environmental standards applied and the role of Federal, State and local environmental agencies and public participation in the cleanup process. It is my hope that such information will enable future Congresses to revisit these issues to ensure more explicitly that any remediation performed is truly incidental to the larger economic redevelopment project and that cleanups performed using Federal dollars are protective of human health and the environment.

In closing I would like to praise the bipartisan Member and staff work that went into crafting this important bill and urge swift passage by the other body.

Ms. COLLINS. Madam President, I ask unanimous consent that the substitute amendment that is at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3976) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1134), as amended, was read the third time and passed.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. (Mr. CHAMBLISS). Without objection, it is so ordered.

NATIONAL INTELLIGENCE REFORM ACT OF 2004—Continued

Mr. BYRD. Mr. President, the Senate has voted overwhelmingly to invoke cloture on the national intelligence reform bill. I voted against cloture on the bill. The Senate leadership, in supporting cloture on this bill—I speak most respectfully—argued that this debate has gone on long enough. In essence, that is what has been stated.