

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2941**

OFFERED BY MR. MILLER

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. FINDINGS AND PURPOSES.

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

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

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

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

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



1 (5) grants under the Brownfields Economic De-
2 velopment Initiative of the Department of Housing
3 and Urban Development provide local governments
4 with a flexible source of funding to pursue
5 brownfields redevelopment through land acquisition,
6 site preparation, economic development, and other
7 activities;

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

16 (7) by de-linking grants for brownfields develop-
17 ment from section community development loan
18 guarantees and the related pledge of community de-
19 velopment block grant funds, more communities will
20 have access to funding for redevelopment of
21 brownfield sites.

22 (b) PURPOSES.—The purpose of this Act is to provide
23 cities and towns with more flexibility for brownfields devel-
24 opment, increased accessibility to brownfields redevel-



1 ment funds, and greater capacity to coordinate and col-
2 laborate with other government agencies—

3 (1) by providing additional incentives to invest
4 in the cleanup and development of brownfield sites;
5 and

6 (2) by de-linking grants for brownfields develop-
7 ment from community development loan guarantees
8 and the related pledge of community development
9 block grant funds.

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

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

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

15 “(a) IN GENERAL.—The Secretary may make grants
16 under this section, on a competitive basis as specified in
17 section 102 of the Department of Housing and Urban De-
18 velopment Reform Act of 1989 (42 U.S.C. 3545), only to
19 eligible public entities (as such term is defined in section
20 108(o) of this title) and Indian tribes for carrying out
21 projects and activities to assist the environmental cleanup
22 and development of brownfield sites.

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



1 “(1) be used, as provided in subsection (a) of
2 this section, only for activities specified in section
3 108(a); and

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

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

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

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

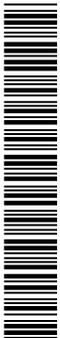


1 retary may establish a pilot program under
2 which grants under this subsection are used to
3 develop, maintain, and administer (including
4 the payment of an entity or entities selected
5 pursuant to subparagraph (B)) a common loan
6 pool of development loans made on behalf of eli-
7 gible public entities with the proceeds of obliga-
8 tions guaranteed under this section, including
9 related security and a common loans loss re-
10 serve account, for the benefit of participants in
11 the pilot program.

12 “(B) SELECTION OF PROGRAM MANAGERS
13 AND CONTRACTORS.—The Secretary may select
14 an entity or entities on a competitive or non-
15 competitive basis to carry out any of the func-
16 tions involved in the pilot program.

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

21 “(D) AUTHORIZATION OF APPROPRIA-
22 TIONS.—There are authorized to be appro-
23 priated such sums as may be necessary—



1 “(i) for grants under this subsection
2 to be used only in conjunction with the
3 pilot program under this paragraph; and

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

8 **SEC. 6. APPLICABILITY.**

9 The amendments made by this Act shall apply only
10 with respect to amounts made available for fiscal year
11 2003 and fiscal years thereafter for use under the provi-
12 sions of law amended by this Act.

