

[DISCUSSION DRAFT]

119TH CONGRESS
2^D SESSION

H. R. _____

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish an innovative financing pilot program for brownfields, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish an innovative financing pilot program for brownfields, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brownfields Infra-
5 structure Finance and Innovation Act”.

1 **SEC. 2. INNOVATIVE FINANCING PILOT PROGRAM.**

2 (a) IN GENERAL.—Section 104(k) of the Comprehen-
3 sive Environmental Response, Compensation, and Liabil-
4 ity Act of 1980 (42 U.S.C. 9604(k)) is amended by redess-
5 ignating paragraph (13) as paragraph (14) and inserting
6 after paragraph (12) the following:

7 “(13) INNOVATIVE FINANCING PILOT PRO-
8 GRAM.—

9 “(A) AUTHORITY TO PROVIDE ASSIST-
10 ANCE.—The Administrator shall establish a
11 pilot program to provide, during fiscal years
12 2028 and 2029, assistance in the form of loans
13 and loan guarantees to covered entities to carry
14 out eligible projects at one or more brownfield
15 sites.

16 “(B) APPLICATIONS.—To receive assist-
17 ance under this paragraph, a covered entity
18 shall submit to the Administrator an applica-
19 tion describing an eligible project to be carried
20 out at one or more brownfield sites, including
21 information relating to the criteria described in
22 subparagraph (C), to the extent such informa-
23 tion is available.

24 “(C) RANKING CRITERIA.—The Adminis-
25 trator shall establish a system for ranking ap-

1 plications for assistance under this paragraph
2 that includes—

3 “(i) the criteria described in clauses
4 (i), (ii), (iii), (iv), (vi), (ix), and (x) of
5 paragraph (6)(C), as applied to assistance
6 available under this paragraph; and

7 “(ii) the following additional criteria:

8 “(I) The extent to which the eli-
9 gible project is likely to secure fund-
10 ing from other sources.

11 “(II) The extent to which the ac-
12 tivities to be performed in carrying
13 out the eligible project would be per-
14 formed without assistance under this
15 paragraph, due to the degree, extent,
16 or complexity of the anticipated con-
17 tamination of the applicable
18 brownfield site or sites, or other fac-
19 tors determined appropriate by the
20 Administrator.

21 “(III) The extent to which the eli-
22 gible project would facilitate the re-
23 mediation and reuse of one or more
24 brownfield sites at an earlier date

1 than such activities would otherwise
2 be able to proceed.

3 “(IV) The amount of budget au-
4 thority required to fund the loan or
5 loan guarantee for which the applica-
6 tion is submitted.

7 “(V) The extent to which a grant
8 would facilitate the location at a
9 brownfield site of a nationally signifi-
10 cant infrastructure facility.

11 “(D) MAXIMUM AMOUNT OF ASSIST-
12 ANCE.—The maximum amount of a loan made
13 or guaranteed under this paragraph shall be
14 \$4,000,000.

15 “(E) APPLICATION OF OTHER PROVI-
16 SIONS.—The prohibitions, requirements, and
17 authorizations of the following provisions shall
18 apply to a loan made or guaranteed under this
19 paragraph:

20 “(i) Subparagraphs (B), (D), and (E)
21 of paragraph (5).

22 “(ii) Paragraph (8).

23 “(iii) Paragraph (10), except that for
24 purposes of subparagraph (B)(ii) of such
25 paragraph, the recipient shall be required

1 to use the loan exclusively for purposes
2 specified in this paragraph.

3 “(F) DEFINITIONS.—In this paragraph:

4 “(i) COVERED ENTITY.—The term
5 ‘covered entity’ means—

6 “(I) an entity described in any of
7 subparagraphs (A) through (L) of
8 paragraph (1); or

9 “(II) a partnership in which all
10 partners are entities described in any
11 such subparagraph.

12 “(ii) ELIGIBLE PROJECT.—The term
13 ‘eligible project’ means a project—

14 “(I) the costs of which are rea-
15 sonably anticipated to be not less than
16 \$5,000,000; and

17 “(II) that consists of any of the
18 following:

19 “(aa) Inventory, character-
20 ization, assessment, and planning
21 activities.

22 “(bb) Remediation activities.

23 “(cc) Demolition activities in
24 anticipation of future reuse of a
25 brownfield site.”.

1 (b) NATIONALLY SIGNIFICANT INFRASTRUCTURE
2 FACILITY DEFINED.—Section 101 of the Comprehensive
3 Environmental Response, Compensation, and Liability Act
4 of 1980 (42 U.S.C. 9601) is amended by adding at the
5 end the following new paragraph:

6 “(42) NATIONALLY SIGNIFICANT INFRASTRUC-
7 TURE FACILITY.—The term ‘nationally significant
8 infrastructure facility’ means a facility—

9 “(A) for the fabrication, assembly, testing,
10 advanced packaging, production, or research
11 and development of semiconductors (as defined
12 under section 9901 of the William M. (Mac)
13 Thornberry National Defense Authorization Act
14 for Fiscal Year 2021)), materials used to man-
15 ufacture semiconductors, or semiconductor
16 manufacturing equipment;

17 “(B) for the extraction, recovery, refining,
18 or processing of critical minerals (as defined in
19 section 7002 of the Energy Act of 2020) or
20 rare earth elements;

21 “(C) for artificial intelligence, including a
22 data center and any other infrastructure that
23 supports artificial intelligence; and

24 “(D) for energy generation.”.