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1ST SESSION

S. 2552

To promote long-term economic recovery and job creation in underserved communities by providing for investment in catalytic local predevelopment projects for resilient climate infrastructure innovation and to provide assistance to support State and local project development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2021

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To promote long-term economic recovery and job creation in underserved communities by providing for investment in catalytic local predevelopment projects for resilient climate infrastructure innovation and to provide assistance to support State and local project development, 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 “Local Infrastructure
5 Funding & Technical Assistance Act” or the “LIFT Act”.

1 **SEC. 2. FINDINGS.**

2 (a) FINDINGS.—Congress finds that—

3 (1) infrastructure systems in the United States
4 are in a period of significant disrepair and are in-
5 creasingly vulnerable due to climate change;

6 (2) aging infrastructure, new technologies, in-
7 creasing complexity, and increasing incidents of se-
8 vere weather due to climate change pose new chal-
9 lenges to the resilience of those infrastructure sys-
10 tems;

11 (3) the climate resilience challenge is most
12 acute in underserved communities in the United
13 States, which face a chronic underinvestment in in-
14 frastructure systems and require restorative invest-
15 ments to rebuild with equity;

16 (4) in purchasing infrastructure, the Federal
17 Government typically accepts a low-cost capital bid
18 without a plan for maintaining an asset that is de-
19 signed to last 30 to 40 years, such that investing in
20 local best practices and capacity for better procure-
21 ment, asset management, design, lifecycle finance,
22 and innovative data and sensor systems will partially
23 address the resilient infrastructure funding crisis in
24 the United States;

25 (5) experts have determined that predevelop-
26 ment funding at the local and project levels is the

critical gap in accelerating efforts of the Federal Government—

(A) to support climate-resilient infrastructure systems and regional economies; and

(B) to create a steady stream of “shovel-worthy” and well-maintained community projects;

(6) economic analyses have determined that existing Federal and State predevelopment programs generate as much as \$16 to \$20 in economic activity for every \$1 of public funds expended;

(7) studies demonstrate that the development of stronger lifecycle infrastructure methods by State and local project sponsors will likely help local governments better leverage current and future Federal taxpayer investment in public infrastructure through partnerships with impact investors;

(8) well-managed and resilient regional, State, and local infrastructure assets will lower future Federal taxpayer costs for recovery and restoration efforts;

(9) States and regions have unique infrastructure systems and challenges, such as—

(A) wildfires and droughts in the West;

1 (B) failing dams and levees in the Midwest
2 and Mississippi regions;

3 (C) stormwater management issues in the
4 East; and

5 (D) broadband connectivity in the Inter-
6 mountain region;

7 (10) the interconnected nature of energy, water,
8 building stock, transportation, and communication
9 systems demands new investments and innova-
10 tions—

11 (A) to prepare for mitigating risks and
12 cyberattacks; and

13 (B) to carry out integrated deployment
14 strategies;

15 (11) the basic infrastructure needs of many
16 communities are changing during the COVID-19
17 era to emphasize distance learning and public
18 health, while much of the infrastructure stock of the
19 United States created in the 1950s, 1960s, and
20 1970s is aging;

21 (12) $\frac{2}{3}$ of United States infrastructure is fund-
22 ed at the State and local levels;

23 (13) the Federal Government, in the role of a
24 long-term strategic infrastructure partner, should
25 focus on making catalytic investments that—

1 (A) promote local best practices in resilient
2 infrastructure through performance-based in-
3 vestments in States and communities;

4 (B) encourage regional innovation, innova-
5 tive partnerships, and economic resilience strat-
6 egies and outcomes that fund long-term capac-
7 ity building and economic recovery; and

8 (C) provide strategic capacity building re-
9 sources, technical assistance, and flexible
10 predevelopment support for resilient infrastruc-
11 ture project development that allows States and
12 communities to accelerate the most critical
13 State and community infrastructure needs; and

14 (14) grantees and applicants of the Assistance
15 for Coal Communities program of the Economic De-
16 velopment Administration have expressed financial
17 hardship with meeting all project predevelopment
18 costs needed to be eligible for that program and to
19 transition away from fossil fuel infrastructure.

20 (b) PURPOSE.—Recognizing that pressing climate-re-
21 silient infrastructure needs differ by State and region, and
22 that Federal program support for project predevelopment
23 is limited or inflexible due to programmatic silos, the pur-
24 pose of this Act is to establish new, flexible funding
25 streams and expedited processes—

- 1 (1) to accelerate timely, resilient infrastructure
2 deployment, specifically in underserved communities;
3 (2) to reduce taxpayer costs in response to dis-
4 asters involving infrastructure; and
5 (3) to preserve existing jobs and to create new
6 jobs.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **CAPACITY BUILDING.**—The term “capacity
10 building” includes all activities associated with early
11 stage community-based project formation and
12 conceptualization, prior to project predevelopment
13 activity, including stipends to local community orga-
14 nizations for planning participation, community out-
15 reach and engagement activities, grant writing, re-
16 search, and mentorship support to move projects
17 from formation and conceptualization to project
18 predevelopment.

19 (2) **ELIGIBLE RECIPIENT.**—The term “eligible
20 recipient” means—

21 (A) an eligible recipient (as defined in sec-
22 tion 3 of the Public Works and Economic De-
23 velopment Act of 1965 (42 U.S.C. 3122)); and

24 (B) a private individual, a nonprofit orga-
25 nization, or a for-profit organization.

1 (3) INSTITUTION OF HIGHER EDUCATION.—The
 2 term “institution of higher education” has the
 3 meaning given the term in section 101 of the Higher
 4 Education Act of 1965 (20 U.S.C. 1001).

5 (4) LEAD APPLICANT.—The term “lead appli-
 6 cant” means the eligible recipient that is primarily
 7 responsible for the preparation, conduct, and admin-
 8 istration of the project for which a grant is provided
 9 under section 4(b)(2).

10 (5) MINORITY OR WOMAN-LED ENTITY.—The
 11 term “minority or woman-led entity” means an or-
 12 ganization, as determined by the Secretary—

13 (A) for which a majority of the governing
 14 board of directors and executive leadership of
 15 the organization are women or minority per-
 16 sons;

17 (B) that is not dependent on or influenced
 18 by another non-eligible person or organization;
 19 and

20 (C) that has not been established for the
 21 purpose of this Act.

22 (6) PROJECT PREDEVELOPMENT.—The term
 23 “project predevelopment” means a measure required
 24 to be completed before construction of a project may
 25 occur, such as—

- 1 (A) architectural or engineering work;
- 2 (B) a market assessment;
- 3 (C) community outreach and engagement;
- 4 (D) an economic feasibility study;
- 5 (E) the acquisition of a site or lease;
- 6 (F) preparation of a business plan;
- 7 (G) any activity relating to permitting;
- 8 (H) any activity relating to the writing of
- 9 grant applications;
- 10 (I) capacity building in local governments,
- 11 community institutions, and nonprofit organiza-
- 12 tions; and
- 13 (J) training for unionized labor to execute
- 14 on such activities.
- 15 (7) SECRETARY.—The term “Secretary” means
- 16 the Secretary of Commerce.
- 17 (8) UNDERSERVED COMMUNITY.—The term
- 18 “underserved community” means—
- 19 (A) a community—
- 20 (i) with significant representation of
- 21 communities of color, low-income commu-
- 22 nities, or indigenous communities; and
- 23 (ii) that experiences, or is at risk of
- 24 experiencing, higher or more adverse

1 human health or environmental effects, as
2 compared to other communities;

3 (B) Tribal communities;

4 (C) a community facing economic transi-
5 tion, deindustrialization, and historic under-in-
6 vestment; or

7 (D) a community with a high rate of pov-
8 erty or unemployment.

9 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—In addition to amounts otherwise
11 available, there is authorized to be appropriated for fiscal
12 year 2022, \$15,000,000,000, to remain available until
13 September 30, 2027, to the Secretary of Commerce for
14 economic adjustment assistance under section 209 of the
15 Public Works and Economic Development Act of 1965 (42
16 U.S.C. 3149) to provide grants for project predevelopment
17 and technical assistance.

18 (b) ADMINISTRATIVE COSTS.—In addition to
19 amounts otherwise available, there is authorized to be ap-
20 propriated for fiscal year 2022, \$300,000,000, to remain
21 available until September 30, 2027, to the Secretary of
22 Commerce for the administrative costs of carrying out this
23 section, including the costs of utilizing temporary Federal
24 personnel as may be necessary.

1 (c) TYPE OF GRANTS.—Of the amounts made avail-
 2 able under subsection (a)—

3 (1) \$5,000,000,000 shall be for technical assist-
 4 ance and grants to eligible recipients to perform ca-
 5 pacity building; and

6 (2) \$10,000,000,000 shall be for grants to eligi-
 7 ble recipients to perform project predevelopment ac-
 8 tivities to assist States and communities that need
 9 support with climate infrastructure investments,
 10 subject to the requirements of section 5.

11 (d) UNDERSERVED COMMUNITIES.—Of the amounts
 12 made available under subsection (a), not less than 50 per-
 13 cent shall be used for activities described in subsection (c)
 14 that are carried out in underserved communities.

15 **SEC. 5. LOCAL INFRASTRUCTURE FUNDING & TECHNICAL**
 16 **ASSISTANCE GRANT REQUIREMENTS.**

17 (a) LIMITATIONS.—In making grants with amounts
 18 made available under section 4(c)(2), the Secretary may
 19 not—

20 (1) provide to an eligible recipient more than 1
 21 grant for which the eligible recipient is the lead ap-
 22 plicant; or

23 (2) make a grant in an amount of more than
 24 \$500,000.

1 (b) PARTNERSHIPS.—An eligible recipient seeking to
2 receive a grant under section 4(c)(2) may partner with
3 1 or more—

4 (1) eligible recipient; or

5 (2) any other entity, as determined by the Sec-
6 retary.

7 (c) USE OF GRANT.—An eligible recipient may use
8 a grant under section 4(c)(2) for project predevelopment
9 including—

10 (1) project planning, community outreach and
11 engagement, and feasibility studies;

12 (2) demonstrations of innovative activities or
13 strategic economic development investments;

14 (3) management and operational assistance;

15 (4) establishment of university centers;

16 (5) establishment of business outreach centers;

17 (6) studies evaluating the needs of, and devel-
18 opment potential for, economic growth of areas that
19 the Secretary determines have substantial need for
20 the assistance;

21 (7) studies that evaluate the effectiveness of co-
22 ordinating projects funded under the Public Works
23 and Economic Development Act of 1965 (42 U.S.C.
24 3121 et seq.) with projects funded under other Acts;

1 (8) assessment, marketing, and establishment
2 of business clusters;

3 (9) other activities determined by the Secretary
4 to be appropriate; and

5 (10) making a grant to an organization to carry
6 out any of the activities described in paragraphs (1)
7 through (9).

8 (d) SELECTION.—

9 (1) IN GENERAL.—The Secretary may award a
10 grant under section 4(c)(2) only after an evaluation
11 of—

12 (A) the merits of the application;

13 (B) the likely low- to no-carbon opportuni-
14 ties described in the application that align with
15 any Federal climate and resiliency goals;

16 (C) the extent to which the proposed ac-
17 tivities would create efficiency of operations
18 across services; and

19 (D) the extent to which the proposed ac-
20 tivities would promote resources to invest in
21 community infrastructure.

22 (2) PRIORITY.—In awarding grants under this
23 section, the Secretary shall give priority to eligible
24 recipients that—

25 (A) are minority or women-led entities;

1 (B) are partnerships between an institu-
2 tion of higher education and a labor organiza-
3 tion;

4 (C) are located in an underserved commu-
5 nity;

6 (D) propose to carry out activities that
7 would—

8 (i) result in predicted large green-
9 house gas reductions; or

10 (ii) reduce air pollution;

11 (E) propose to carry out activities that
12 would result in large improvements to public
13 health;

14 (F) propose to carry out activities that
15 would improve community adaptation and resil-
16 iency; or

17 (G) propose to carry out activities that
18 would modernize communities and community
19 connectivity.

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