

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mr. PADILLA, Mr. KELLY, Mr. DURBIN, Mr. BOOKER, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To promote long-term economic recovery and job creation in environmental justice communities by providing for investment in catalytic local predevelopment projects for resilient climate infrastructure innovation, 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; PURPOSE.**

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 environmental justice communities in the
13 United States, which face a chronic underinvestment
14 in infrastructure systems and require restorative in-
15 vestments to rebuild with equity;

16 (4) experts have determined that
17 predevelopment funding at the local and project lev-
18 els is the critical gap in accelerating efforts of the
19 Federal Government—

20 (A) to support climate-resilient infrastruc-
21 ture systems and regional economies; and

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

25 (5) economic analyses have determined that ex-
26 isting Federal and State predevelopment programs

1 generate as much as \$16 to \$20 in economic activity
2 for every \$1 of public funds expended;

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

9 (7) well-managed and resilient regional, State,
10 and local infrastructure assets will lower future Fed-
11 eral taxpayer costs for recovery and restoration ef-
12 forts;

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

22 (9) States and regions have unique infrastruc-
23 ture systems and challenges, such as—

24 (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 South and 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;

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 (15) the Infrastructure Investment and Jobs
21 Act (Public Law 117–58; 135 Stat. 429) makes a
22 once-in-a-generation investment of
23 \$1,200,000,000,000 to rebuild and modernize the in-
24 frastructure of the United States;

1 (16) Public Law 117–169 (136 Stat. 1818)
2 (commonly known as the “Inflation Reduction Act of
3 2022”) includes an estimated \$369,000,000,000 in
4 appropriations and tax credits for climate-related
5 and energy-related investments, the largest Federal
6 climate change legislation to be enacted into law;
7 and

8 (17) Executive Order 14008 (42 U.S.C. 4321
9 note; relating to tackling the climate crisis at home
10 and abroad), issued by President Biden on January
11 27, 2021, created the Justice40 Initiative to deliver
12 40 percent of climate-related investments to commu-
13 nities identified as “disadvantaged”.

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

20 (1) to accelerate timely, resilient infrastructure
21 deployment, specifically in environmental justice
22 communities;

23 (2) to reduce taxpayer costs in response to dis-
24 asters involving infrastructure; and

1 (3) to preserve existing jobs and to create new
2 jobs.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CAPACITY BUILDING.—

6 (A) IN GENERAL.—The term “capacity
7 building” means the process of strengthening
8 local coordination, leadership, knowledge, skills,
9 expertise, and access to resources with the goal
10 of helping to develop or increase the ability of
11 a community to independently implement
12 projects in the future.

13 (B) INCLUSIONS.—The term “capacity
14 building” includes all activities associated with
15 early stage community-based project formation
16 and conceptualization, prior to project
17 predevelopment activity, such as identifying and
18 planning for needed climate change mitigation
19 and adaptation projects and providing stipends
20 to local community organizations for planning
21 participation, community outreach and engage-
22 ment activities, grant writing, research, and
23 mentorship support to move projects from for-
24 mation and conceptualization to project
25 predevelopment.

1 (2) COMMUNITY OF COLOR.—The term “com-
2 munity of color” means a geographically distinct
3 area in which the population of any of the following
4 categories of individuals is higher than the average
5 population of that category for the State in which
6 the community is located:

7 (A) Black.

8 (B) African American.

9 (C) Asian.

10 (D) Pacific Islander.

11 (E) Other non-White race.

12 (F) Hispanic.

13 (G) Latino.

14 (H) Linguistically isolated.

15 (I) Middle Eastern and North African.

16 (3) ELIGIBLE RECIPIENT.—The term “eligible
17 recipient” means—

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

21 (B) a private individual, a non-profit orga-
22 nization, or a for-profit organization.

23 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—
24 The term “environmental justice community” means
25 a community with significant representation of com-

1 communities of color, low-income communities, or Tribal
2 and Indigenous communities that experiences, or is
3 at risk of experiencing, higher or more adverse
4 human health or environmental effects.

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

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

14 (7) LOW-INCOME COMMUNITY.—The term “low-
15 income community” means any census block group
16 in which 30 percent or more of the population are
17 individuals with an annual household income equal
18 to, or less than, the greater of—

19 (A) an amount equal to 80 percent of the
20 median income of the area in which the house-
21 hold is located, as reported by the Department
22 of Housing and Urban Development; and

23 (B) 200 percent of the Federal poverty
24 line.

1 (8) MINORITY OR WOMAN-LED ENTITY.—The
2 term “minority or woman-led entity” means an or-
3 ganization, as determined by the Secretary—

4 (A) for which a majority of the governing
5 board of directors and executive leadership of
6 the organization are women or minority per-
7 sons;

8 (B) that is not dependent on or influenced
9 by another non-eligible person or organization;
10 and

11 (C) that has not been established for the
12 purpose of this Act.

13 (9) PROJECT PREDEVELOPMENT.—The term
14 “project predevelopment” means a measure required
15 to be completed before construction of a project may
16 occur, such as—

17 (A) architectural or engineering work;

18 (B) a market assessment;

19 (C) community outreach and engagement;

20 (D) an economic feasibility study;

21 (E) the acquisition of a site or lease;

22 (F) preparation of a business plan;

23 (G) any activity relating to permitting;

1 (H) any activity relating to the identifica-
2 tion of additional funding sources or writing of
3 grant applications;

4 (I) capacity building in local governments,
5 community institutions, and nonprofit organiza-
6 tions; and

7 (J) training for unionized labor to execute
8 on such activities.

9 (10) SECRETARY.—The term “Secretary”
10 means the Secretary of Commerce.

11 (11) TRIBAL AND INDIGENOUS COMMUNITY.—
12 The term “Tribal and Indigenous community”
13 means a population of individuals who are members
14 of—

15 (A) a federally recognized Indian Tribe;

16 (B) a State-recognized Indian Tribe;

17 (C) an Alaska Native community or orga-
18 nization;

19 (D) a Native Hawaiian community or or-
20 ganization; or

21 (E) any other Indigenous community lo-
22 cated in a State.

1 **SEC. 4. LOCAL INFRASTRUCTURE FUNDING & TECHNICAL**
2 **ASSISTANCE GRANT REQUIREMENTS.**

3 (a) LIMITATIONS.—In making grants with amounts
4 made available under section 5(c)(2), the Secretary—

5 (1) may provide not more than 50 percent of
6 the grant amount prior to an eligible recipient com-
7 mencing predevelopment activities described in that
8 section; and

9 (2) may not—

10 (A) provide to an eligible recipient more
11 than 1 grant for which the eligible recipient is
12 the lead applicant; or

13 (B) make a grant in an amount of more
14 than \$500,000.

15 (b) PARTNERSHIPS.—

16 (1) IN GENERAL.—Subject to paragraph (2), an
17 eligible recipient seeking to receive a grant under
18 section 5(c)(2) shall demonstrate multi-stakeholder
19 partnerships between stakeholders such as commu-
20 nity-based organizations, nonprofit organizations,
21 faith-based organizations, coalitions, community de-
22 velopment corporations, units of local government,
23 and other stakeholders, as determined appropriate
24 by the Secretary.

25 (2) REQUIREMENT.—In demonstrating a part-
26 nership under paragraph (1), an eligible entity shall

1 identify 1 or more community-based organizations or
2 community-serving organizations.

3 (c) USE OF GRANT.—An eligible recipient may use
4 a grant under section 5(c)(2) for project predevelopment,
5 including—

6 (1) project planning, community outreach and
7 engagement, and associated marketing and commu-
8 nications;

9 (2) predevelopment studies, including—

10 (A) feasibility studies;

11 (B) studies evaluating the needs of, and
12 development potential for, economic growth of
13 areas that the Secretary determines have sub-
14 stantial need for the assistance; and

15 (C) studies that evaluate the effectiveness
16 of coordinating projects funded under the Pub-
17 lic Works and Economic Development Act of
18 1965 (42 U.S.C. 3121 et seq.) with projects
19 funded under other Acts;

20 (3) demonstrations of innovative activities or
21 strategic economic development investments;

22 (4) management and operational assistance;

23 (5) establishment of university centers;

1 (6) establishment of business outreach centers,
2 including business clusters to support project
3 predevelopment;

4 (7) other activities determined by the Secretary
5 to be appropriate; and

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

9 (d) SELECTION.—

10 (1) IN GENERAL.—The Secretary may award a
11 grant under section 5(c)(2) only after an evaluation
12 of—

13 (A) the merits of the application;

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

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

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

23 (2) PRIORITY.—In awarding grants under sec-
24 tion 5(c)(2), the Secretary shall give priority to eligi-
25 ble recipients that—

1 (A) are located in an environmental justice
2 community;

3 (B) demonstrate strong and diverse part-
4 nerships, particularly with community-based or-
5 ganizations;

6 (C) propose to carry out activities that
7 would improve community adaptation and resil-
8 iency;

9 (D) advance equitable workforce develop-
10 ment or increase wealth-building opportunities
11 for environmental justice communities;

12 (E) propose to carry out activities that
13 would—

14 (i) result in predicted large green-
15 house gas reductions; or

16 (ii) reduce air pollution;

17 (F) propose to carry out activities that
18 would result in large improvements to public
19 health;

20 (G) propose to carry out activities that
21 would modernize communities and community
22 connectivity;

23 (H) are partnerships between an institu-
24 tion of higher education and a labor organiza-
25 tion; or

1 (I) are minority or women-led entities.

2 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is authorized to be appropriated for fiscal
5 year 2024 \$15,000,000,000, to remain available until Sep-
6 tember 30, 2029, to the Secretary for economic adjust-
7 ment assistance under section 209 of the Public Works
8 and Economic Development Act of 1965 (42 U.S.C. 3149)
9 to provide grants for project predevelopment and technical
10 assistance.

11 (b) ADMINISTRATIVE COSTS.—In addition to
12 amounts otherwise available, there is authorized to be ap-
13 propriated for fiscal year 2024, \$300,000,000, to remain
14 available until September 30, 2029, to the Secretary for
15 the administrative costs of carrying out this section, in-
16 cluding the costs of using temporary Federal personnel as
17 may be necessary.

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

20 (1) \$5,000,000,000 shall be for technical assist-
21 ance and grants to eligible recipients to perform ca-
22 pacity building; and

23 (2) \$10,000,000,000 shall be for grants to eligi-
24 ble recipients to perform project predevelopment ac-
25 tivities to assist States and communities that need

1 support with climate infrastructure investments,
2 subject to the requirements of section 4.

3 (d) ENVIRONMENTAL JUSTICE COMMUNITIES.—Of
4 the amounts made available under subsection (a), not less
5 than 50 percent shall be used for activities described in
6 subsection (c) that are carried out in environmental justice
7 communities.