

117TH CONGRESS  
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.

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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

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## 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

1 critical gap in accelerating efforts of the Federal  
2 Government—

3 (A) to support climate-resilient infrastruc-  
4 ture systems and regional economies; and

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

8 (6) economic analyses have determined that ex-  
9 isting Federal and State predevelopment programs  
10 generate as much as \$16 to \$20 in economic activity  
11 for every \$1 of public funds expended;

12 (7) studies demonstrate that the development of  
13 stronger lifecycle infrastructure methods by State  
14 and local project sponsors will likely help local gov-  
15 ernments better leverage current and future Federal  
16 taxpayer investment in public infrastructure through  
17 partnerships with impact investors;

18 (8) well-managed and resilient regional, State,  
19 and local infrastructure assets will lower future Fed-  
20 eral taxpayer costs for recovery and restoration ef-  
21 forts;

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 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 siliant 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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