

118TH CONGRESS  
1ST SESSION

# S. 2148

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

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 Environment and Public Works

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## 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.

○