

114TH CONGRESS
1ST SESSION

S. 1935

To require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2015

Ms. BALDWIN (for herself, Mr. KING, Mr. WYDEN, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency.

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 “Waterfront Community
5 Revitalization and Resiliency Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) many communities in the United States
9 were developed along waterfronts;

1 (2) water proximity and access is a recognized
2 economic driver;

3 (3) water shortages faced by parts of the
4 United States underscore the need to manage water
5 sustainably and restore water quality;

6 (4) interest in waterfront revitalization and de-
7 velopment has grown, while the circumstances driv-
8 ing waterfront development have changed;

9 (5) waterfront communities face challenges to
10 revitalizing and leveraging water resources, such as
11 outdated development patterns, deteriorated water
12 infrastructure, industrial contamination of soil and
13 sediment, and lack of public access to the water-
14 front, which are often compounded by overarching
15 economic distress in the community;

16 (6) public investment in waterfront community
17 development and infrastructure should reflect chang-
18 ing ecosystem conditions and extreme weather pro-
19 jections to ensure strategic, resilient investments;

20 (7) individual communities have unique prior-
21 ities, concerns, and opportunities related to water-
22 front restoration and community revitalization; and

23 (8) the Secretary of Commerce has unique ex-
24 pertise in Great Lakes and ocean coastal resiliency
25 and economic development.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **RESILIENT WATERFRONT COMMUNITY.**—

4 The term “resilient waterfront community” means a
5 unit of local government or Indian tribe that is—

6 (A)(i) bound in part by—

7 (I) the Great Lakes; or

8 (II) the ocean; or

9 (ii) bordered or traversed by a riverfront or
10 an inland lake;

11 (B) self-nominated as a resilient water-
12 front community; and

13 (C) designated by the Secretary as a resil-
14 ient waterfront community on the basis of the
15 development by the community of an eligible re-
16 silient waterfront community plan, with eligi-
17 bility determined by the Secretary after consid-
18 ering the requirements of subsections (b) and
19 (c) of section 4.

20 (2) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Commerce.

22 **SEC. 4. RESILIENT WATERFRONT COMMUNITIES DESIGNA-**
23 **TION.**

24 (a) **DESIGNATION.**—

25 (1) **IN GENERAL.**—Subject to paragraph (2),
26 the Secretary shall designate resilient waterfront

1 communities based on the extent to which a commu-
 2 nity meets the criteria described in subsection (b).

3 (2) COLLABORATION.—For inland lake and
 4 riverfront communities, in making the designation
 5 described in paragraph (1) and promulgating criteria
 6 and best practices, the Secretary shall work with the
 7 Administrator of the Environmental Protection
 8 Agency and the heads of other Federal agencies, as
 9 the Secretary determines to be necessary to provide
 10 comparable services to waterfront communities not
 11 located on Great Lakes or ocean coasts.

12 (b) RESILIENT WATERFRONT COMMUNITY PLAN.—
 13 A resilient waterfront community plan is a community-
 14 driven vision and plan that is developed—

15 (1) voluntarily at the discretion of the commu-
 16 nity—

17 (A) to respond to local needs; or

18 (B) to take advantage of new water-ori-
 19 ented opportunities;

20 (2) with the leadership of the relevant govern-
 21 mental entity or Indian tribe with the active partici-
 22 pation of—

23 (A) community residents;

24 (B) utilities; and

1 (C) interested business and nongovern-
2 mental stakeholders;

3 (3) as a new document or by amending or com-
4 piling community planning documents, as necessary,
5 at the discretion of the Secretary;

6 (4) in consideration of with all applicable State
7 and Federal coastal zone management planning re-
8 quirements;

9 (5) to address economic competitive strengths;
10 and

11 (6) to complement and incorporate the objec-
12 tives and recommendations of applicable regional
13 economic plans.

14 (c) COMPONENTS OF A RESILIENT WATERFRONT
15 COMMUNITY PLAN.—A resilient waterfront community
16 plan shall—

17 (1) consider all, or a portion of, the waterfront
18 area and adjacent land and water to which the wa-
19 terfront is connected ecologically, economically, or
20 through local governmental or tribal boundaries; and

21 (2) describe a vision and plan for the commu-
22 nity to develop as a vital and resilient waterfront
23 community, integrating consideration of—

24 (A) the economic opportunities resulting
25 from water proximity and access, including—

1 (i) water-dependent industries;

2 (ii) water-oriented commerce; and

3 (iii) recreation and tourism;

4 (B) the community relationship to the
5 water, including—

6 (i) quality of life;

7 (ii) public health;

8 (iii) community heritage; and

9 (iv) public access, particularly in areas
10 in which publicly funded ecosystem res-
11 toration is underway;

12 (C) ecosystem challenges and projections,
13 including unresolved and emerging impacts to
14 the health and safety of the waterfront and pro-
15 jections for extreme weather and water condi-
16 tions;

17 (D) infrastructure needs and opportunities,
18 to facilitate strategic and sustainable capital in-
19 vestments in—

20 (i) docks, piers, and harbor facilities;

21 (ii) protection against storm surges,
22 waves, and flooding;

23 (iii) stormwater, sanitary sewer, and
24 drinking water systems, including green in-

1 frastructure and opportunities to control
 2 nonpoint source runoff; and

3 (iv) other community facilities and
 4 private development; and

5 (E) such other factors as are determined
 6 by the Secretary to align with metrics or indica-
 7 tors for resiliency, considering environmental
 8 and economic changes.

9 (d) DURATION.—After the designation of a commu-
 10 nity as a resilient waterfront community under subsection
 11 (a), a resilient waterfront community plan developed in ac-
 12 cordance with subsections (b) and (c) shall be—

13 (1) effective for the 10-year period beginning on
 14 the date on which the Secretary approves the resil-
 15 ient waterfront community plan; and

16 (2) updated by the resilient waterfront commu-
 17 nity and submitted to the Secretary for the approval
 18 of the Secretary before the expiration of the 10-year
 19 period.

20 **SEC. 5. RESILIENT WATERFRONT COMMUNITIES NETWORK.**

21 (a) IN GENERAL.—The Secretary shall develop a re-
 22 silient waterfront communities network to facilitate the
 23 sharing of best practices and technical assistance among
 24 waterfront communities.

1 (b) PUBLIC RECOGNITION.—In consultation with
 2 designated resilient waterfront communities, the Secretary
 3 shall provide formal public recognition of the designated
 4 resilient waterfront communities to promote tourism, in-
 5 vestment, or other benefits.

6 **SEC. 6. WATERFRONT COMMUNITY REVITALIZATION**
 7 **GRANT PROGRAM.**

8 (a) IN GENERAL.—The Secretary shall establish
 9 within the Department of Commerce a program under
 10 which the Secretary shall provide planning and implemen-
 11 tation grants that leverage other sources of public and pri-
 12 vate investment to assist with the following eligible activi-
 13 ties:

14 (1) The development of resilient waterfront
 15 community plans, including such costs as planning
 16 and feasibility analysis.

17 (2) Implementation of strategic components of
 18 a resilient waterfront community plan, once a plan
 19 has been approved by the Secretary.

20 (b) ELIGIBLE APPLICANTS.—

21 (1) LEAD APPLICANTS.—A unit of local govern-
 22 ment or an Indian tribe shall be eligible to apply as
 23 a lead applicant for a grant under subsection (a) if
 24 the unit of local government or Indian tribe is—

25 (A) bound in part by—

1 (i) the Great Lakes; or

2 (ii) the ocean; or

3 (B) bordered or traversed by a riverfront
4 or an inland lake.

5 (2) SUBAWARDS.—Subject to subsection (d)(3),
6 a lead applicant may provide a subaward to an eligi-
7 ble subawardee for implementation activities de-
8 scribed in subsection (d)(2).

9 (c) USE OF PLANNING FUNDS.—

10 (1) IN GENERAL.—Planning funds received
11 through a grant under subsection (a) shall be used
12 to develop a resilient waterfront community plan.

13 (2) ELIGIBLE PLANNING ACTIVITIES.—In devel-
14 oping a resilient waterfront community plan using
15 amounts made available under subsection (a), a re-
16 silient waterfront community may—

17 (A) conduct community visioning and out-
18 reach;

19 (B) identify challenges and opportunities;

20 (C) develop strategies and solutions;

21 (D) prepare plan materials, including text,
22 maps, design, and preliminary engineering;

23 (E) collaborate across local agencies and
24 work with regional, State, and Federal agencies
25 to identify, understand, and develop responses

1 to changing ecosystem and economic cir-
2 cumstances; and

3 (F) conduct other planning activities that
4 the Secretary considers necessary for the devel-
5 opment of a resilient waterfront community
6 plan that responds to revitalization and resil-
7 iency issues confronted by the resilient water-
8 front community.

9 (d) USE OF IMPLEMENTATION FUNDS.—

10 (1) IN GENERAL.—Implementation funds re-
11 ceived through a grant under subsection (a)—

12 (A) shall be used to initiate implementa-
13 tion of a resilient waterfront community plan
14 and facilitate high-quality development, includ-
15 ing leveraging local and private sector invest-
16 ment; and

17 (B) may be used on 1 or more eligible ac-
18 tivities to address strategic community prior-
19 ities that are identified in the resilient water-
20 front community plan.

21 (2) ELIGIBLE IMPLEMENTATION ACTIVITIES.—

22 Grant funds may be used flexibly across 1 or more
23 eligible implementation costs, such as—

24 (A) site preparation;

25 (B) environmental review;

1 (C) engineering and design;

2 (D) acquiring easements or land for uses
3 such as green infrastructure, public amenities,
4 or assembling development sites;

5 (E) updates to zoning codes;

6 (F) construction of—

7 (i) public waterfront or boating amen-
8 ities; and

9 (ii) public spaces;

10 (G) infrastructure upgrades to improve
11 coastal resiliency;

12 (H) economic and community development
13 marketing and outreach; and

14 (I) other activities at the discretion of the
15 Secretary.

16 (3) IMPLEMENTATION SUBAWARDS.—

17 (A) IN GENERAL.—To assist in imple-
18 menting eligible implementation activities, a
19 lead applicant may grant subawards from im-
20 plementation funds to eligible subawardees, in-
21 cluding—

22 (i) a nonprofit organization;

23 (ii) a public utility;

24 (iii) a private entity;

25 (iv) an institution of higher education;

1 (v) a State government; or

2 (vi) a regional organization.

3 (B) LEAD APPLICANT RESPONSIBILITY.—

4 The lead applicant shall ensure that grant
5 funds, including funds awarded as a subaward,
6 are used for the purposes of, and in a manner
7 consistent with, the waterfront community re-
8 talization grant program.

9 (e) SPECIFICATIONS ON USE OF GRANT FUNDS.—

10 (1) IN GENERAL.—A grant made under this
11 section shall be not less than \$50,000 or more than
12 \$1,000,000.

13 (2) LIMITATIONS ON USE.—In accordance with
14 the grant agreement, a resilient waterfront commu-
15 nity shall spend no more than \$200,000 of any
16 grant awarded under this section on planning activi-
17 ties, with remaining grant award balances reserved
18 for implementation activities after the approval of
19 the Secretary of an approved resilient waterfront
20 community plan.

21 (3) MATCHING FUNDS.—

22 (A) IN GENERAL.—A resilient waterfront
23 community receiving a grant under this section
24 shall provide non-Federal matching funds to-
25 ward completion of an eligible project in an

1 amount equal to not less than 25 percent of the
2 grant amount.

3 (B) NON-FEDERAL MATCH.—Non-Federal
4 matching funds may be provided by—

5 (i) 1 or more units of local or tribal
6 government;

7 (ii) a State government;

8 (iii) a nonprofit organization;

9 (iv) a private entity;

10 (v) a foundation;

11 (vi) a public utility; or

12 (vii) a regional organization.

13 (C) IN-KIND MATCH.—The Secretary shall
14 treat as non-Federal matching funds the value
15 of in-kind contributions of land or easements
16 held in perpetuity by the resilient waterfront
17 community.

18 (4) FUNDING PERIODS.—In establishing obliga-
19 tion and expenditure periods for grants under this
20 section, the Secretary shall provide grant periods
21 that enable funds to be used strategically to match
22 private or public sector investments in planning and
23 implementation.

1 **SEC. 7. INTERAGENCY AWARENESS.**

2 (a) INTERAGENCY AWARENESS.—At regular inter-
3 vals, the Secretary shall provide a list of resilient water-
4 front communities to the applicable States and the heads
5 of national and regional offices of interested Federal agen-
6 cies, including at a minimum—

7 (1) the Secretary of Transportation;

8 (2) the Secretary of Agriculture;

9 (3) the Administrator of the Environmental
10 Protection Agency;

11 (4) the Administrator of the Federal Emer-
12 gency Management Agency;

13 (5) the Assistant Secretary of the Army for
14 Civil Works;

15 (6) the Secretary of the Interior; and

16 (7) the Secretary of Housing and Urban Devel-
17 opment.

18 (b) INTERAGENCY COORDINATION.—To encourage
19 consideration of opportunities for synergistic projects and
20 timelines, the Secretary shall coordinate awareness of des-
21 ignated resilient waterfront communities among managers
22 of relevant Federal grant and loan programs that fund
23 projects or infrastructure that are addressed in a resilient
24 waterfront community plan.

1 **SEC. 8. PREFERENTIAL GRANT STATUS FOR FEDERAL**
2 **FUNDING.**

3 (a) DEPARTMENT OF COMMERCE GRANT AND LOAN
4 PROGRAMS.—The Secretary shall provide to designated
5 resilient waterfront communities preferential status in se-
6 lect grant and loan programs of the Department of Com-
7 merce, including—

8 (1) the National Oceanic and Atmospheric Ad-
9 ministration;

10 (2) the Economic Development Administration;
11 and

12 (3) other relevant entities under the authority
13 of the Secretary.

14 (b) OTHER GRANT AND LOAN PROGRAMS.—Consid-
15 ering the integration in resilient waterfront community
16 plans of myriad components and project types tradition-
17 ally funded through separate agencies and departments
18 and the opportunity that resilient waterfront communities
19 present for resilient long-term investment, the heads of
20 other interested Federal agencies and departments, in-
21 cluding the agency heads described in section 7(a), are en-
22 couraged to provide designated resilient waterfront com-
23 munities with preferential status in grant and loan pro-
24 grams.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Sec-
3 retary to carry out this Act \$50,000,000 for each of fiscal
4 years 2016 through 2020, to remain available until ex-
5 pended.

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