

Calendar No. 508

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
114-272

WATERFRONT COMMUNITY REVITALIZATION
AND RESILIENCY ACT OF 2015

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1935



JUNE 8, 2016.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1935]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1935) to require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1935, the Waterfront Community Revitalization and Resiliency Act of 2015, is to support waterfront community revitalization and resiliency.

BACKGROUND AND NEEDS

Many cities and towns across the United States border lakes, rivers, or the ocean. These locations have historically provided ready access to trade, transportation, fishing, and waterborne commercial activities. However, many waterfront communities were built around their water resources many years ago, and are now working to reposition and overcome issues such as limited public access and poor alignment with modern development.

Increasing populations put additional pressure on waterfront communities. For instance, the population of Tampa, Florida, alone

has increased by 317,000 people since 2008.¹ In 2012, Tropical Storm Debby dumped nearly 20 inches of rain on the area, and Tampa Bay's transportation network was disrupted by the inundation. Flooding closed roads for several days and disrupted traffic between downtown Tampa, MacDill Air Force Base, and Tampa General Hospital.² Similar examples occurred in Oklahoma and Texas in May of 2015.³ Proactive efforts can make waterfront communities more resilient to challenges like storms, floods, and fluctuating water levels.

In addition to adapting to economic shifts, waterfront communities are facing pressures to meet increasing demands on water resources. For example, the Great Lakes are an important water resource for agriculture, and provide drinking water for 40 million people. Municipalities, agriculture, and industry use a total of 56 billion gallons of water per day from the Great Lakes.⁴

Waterfront communities also need to adapt to changing conditions that range from shoreline erosion to stresses on fisheries. For example, 86 percent of Alaskan native villages in northern Alaska are being impacted by coastal erosion.⁵

Waterfront planning and projects require communities to navigate intergovernmental hurdles, work across constituent groups and agencies, and often secure financing. However, many communities lack adequate resources to implement such plans. The cost savings and economic benefits of implementing waterfront resilience plans has been estimated to be approximately \$4.2 trillion.⁶ For example, the water clean-up and restoration activities in the greater Detroit metro area are estimated to drive a \$3.7 to \$7 billion increase in property values and long-run economic development.⁷ Lessons learned from such initiatives can benefit other communities earlier in the planning process.

SUMMARY OF PROVISIONS

S. 1935, the Waterfront Community Revitalization and Resiliency Act of 2015, would:

- allow the Secretary of Commerce (Secretary) to designate resilient waterfront communities; and
- allow the Secretary to establish networks of resilient waterfront communities to foster information sharing.

¹ Real Estate Center at Texas A&M University. Population Data for Tampa, 2008-2015. Available at: https://www.recenter.tamu.edu/data/population/#/state/Florida/county/Hillsborough_County (accessed December 1, 2015).

² Kruse, M., Cox, J.W., Hobson, W., Thompson, A., and Brassfield, M. Tropical Storm Debby brings heavy rain, strong winds to Tampa Bay. Tampa Bay Times, June 24, 2012. Available at: <http://www.tampabay.com/news/weather/tropical-storm-debby-brings-heavy-rain-strong-winds-to-tampa-bay/1237045> (accessed December 1, 2015).

³ Harwell, D. Catastrophic flooding hits Texas and Oklahoma. Available at: https://www.washingtonpost.com/business/economy/catastrophic-flooding-hits-texas-and-oklahoma/2015/05/25/0f86027e-02fb-11e5-a428-c984eb077d4e_story.html (accessed December 1, 2015).

⁴ NOAA. About Our Great Lakes: Great Lakes Basin Facts. Available at: <http://www.glerl.noaa.gov/pr/ourlakes/facts.html> (accessed December 1, 2015).

⁵ GAO. Alaska Native Villages: Most Are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance. Available at: <http://www.gao.gov/products/GAO-04-142> (accessed December 1, 2015).

⁶ Carter, N.T., Upton, H.F., and McCarthy, F.X. Coastal Flood Resilience: Policy, Roles, and Funds. CRS Report. Available at: www.crs.gov/Reports/IF10225?/pages/content.aspx?PRODCODE=IF10225&Source=search&source=search (accessed November 30, 2015).

⁷ Austin, J. C., Anderson, S. T., Courant, P. N., & Litan, R. E. (2007). Healthy waters, strong economy: the benefits of restoring the Great Lakes ecosystem. Washington, DC: Brookings Institution.

LEGISLATIVE HISTORY

S. 1935 was introduced by Senator Baldwin on August 4, 2015. Senators Peters, King, and Wyden are cosponsors. On December 9, 2015, the Committee met in open Executive Session and, by a voice vote, ordered S. 1935 to be reported favorably with an amendment in the nature of a substitute.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1935—Waterfront Community Revitalization and Resiliency Act of 2015

S. 1935 would require the Department of Commerce (DOC) to develop criteria to designate as a resilient waterfront community, any community that voluntarily develops plans to revitalize and strengthen their unique water-related economic and ecological resources.

The Economic Development Administration (EDA) and National Oceanic and Atmospheric Administration (NOAA) are agencies within the DOC that work directly with local communities to foster economic development and provide accurate and timely data on the environmental risks facing local waterfront communities. Under the bill, NOAA in coordination with EDA would develop guidance for local waterfront communities that choose to develop a revitalization plan. The agencies also would evaluate plans submitted by communities and classify them as resilient waterfront communities, develop and maintain a network to facilitate the sharing of best practices among those communities, identify public and private investments that would further the goals of the resilient waterfront plans, and upon request, assist local communities with implementing the goals.

On the basis of information from the DOC, CBO estimates that implementing S. 1935 would require 3 or 4 full-time equivalent employees at a cost of about \$600,000 a year to develop guidelines and administer the program. Such spending would be subject to the availability of appropriated funds.

Because enacting S. 1935 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 1935 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit local and tribal governments designated as water communities. Any costs incurred by those entities, including matching contributions, would be incurred voluntarily.

The CBO staff contact for this estimate is Aurora Swanson. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT

Because S. 1935 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would designate the short title of the bill as the “Waterfront Community Revitalization and Resiliency Act of 2015.”

Section 2. Findings.

This section would present the findings of Congress on the establishment, economics, and infrastructure needs of waterfront communities.

Section 3. Definitions.

This section would define the following terms: “Indian tribe,” “resilient waterfront community,” and “Secretary.”

Section 4. Resilient waterfront communities designation.

This section would allow the Secretary to designate resilient waterfront communities. It would require the Secretary to work with the heads of other Federal agencies as necessary to provide comparable services to waterfronts not located on the Great Lakes or ocean coasts. It would provide a definition of a resilient waterfront community plan and designate the components of that plan. It would also limit the effective length of that plan to 10 years.

Section 5. Resilient waterfront communities network.

This section would require the Secretary to develop and maintain a resilient waterfront communities network. It also would require the Secretary to provide formal public recognition of the designated resilient waterfront communities.

Section 6. Waterfront community revitalization activities.

This section would allow the Secretary to use existing authority to support the development of a resilient waterfront community plan, and the implementation of strategic components of the plan after it has been approved by the Secretary. It would make eligible for consideration as a lead non-Federal partner those non-Federal partners that are units of local government or Indian tribes bound in part by the Great Lakes or the ocean, or bordered or traversed by a riverfront or inland lake. It would allow technical assistance

to be provided for resilient waterfront community plans. It would describe eligible planning activities. It would allow assistance for the implementation of the plan and to address strategic community priorities. It would allow assistance to advance implementation activities. It would allow lead non-Federal partners to contract or collaborate with non-Federal implementation partners. It would require the lead non-Federal partner to ensure that assistance and resources are used for the purposes of any initiative advanced by the Secretary for the purpose of promoting waterfront community revitalization and resiliency. It would require resilient waterfront communities receiving assistance to provide funds toward the completion of planning or implementation activities. It would allow funds to be provided by non-Federal resources. It is the Committee's intention that the Secretary provide technical assistance on issues which are already within the mission set by the National Oceanic and Atmospheric Administration (NOAA). NOAA should not encroach on other Federal agencies' missions or acquire new expertise in order to implement this section.

Section 7. Interagency awareness.

This section would require the Secretary to provide a list of resilient waterfront communities to applicable States and the heads of national and regional offices of interested Federal agencies.

Section 8. No new regulatory authority.

This section would clarify that nothing in this Act may be construed as establishing new authority for any Federal agency.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

