

114TH CONGRESS
2D SESSION

S. 1935

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Waterfront Community
3 Revitalization and Resiliency Act of 2015”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) many communities in the United States
7 were developed along waterfronts;

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

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

13 (4) interest in waterfront revitalization and de-
14 velopment has grown, while the circumstances driv-
15 ing waterfront development have changed;

16 (5) waterfront communities face challenges to
17 revitalizing and leveraging water resources, such as
18 outdated development patterns, deteriorated water
19 infrastructure, industrial contamination of soil and
20 sediment, and lack of public access to the water-
21 front, which are often compounded by overarching
22 economic distress in the community;

23 (6) public investment in waterfront community
24 development and infrastructure should reflect chang-
25 ing ecosystem conditions and extreme weather pro-
26 jections to ensure strategic, resilient investments;

1 (7) individual communities have unique prior-
2 ities, concerns, and opportunities related to water-
3 front restoration and community revitalization; and

4 (8) the Secretary of Commerce has unique ex-
5 pertise in Great Lakes and ocean coastal resiliency
6 and economic development.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 450b).

13 (2) RESILIENT WATERFRONT COMMUNITY.—
14 The term “resilient waterfront community” means a
15 unit of local government or Indian tribe that is—

16 (A)(i) bound in part by—

17 (I) the Great Lakes; or

18 (II) the ocean; or

19 (ii) bordered or traversed by a riverfront or
20 an inland lake;

21 (B) self-nominated as a resilient water-
22 front community; and

23 (C) designated by the Secretary as a resil-
24 ient waterfront community on the basis of the
25 development by the community of an eligible re-

1 resilient waterfront community plan, with eligi-
2 bility determined by the Secretary after consid-
3 ering the requirements of subsections (b) and
4 (c) of section 4.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Commerce.

7 **SEC. 4. RESILIENT WATERFRONT COMMUNITIES DESIGNA-**
8 **TION.**

9 (a) DESIGNATION.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the Secretary shall designate resilient waterfront
12 communities based on the extent to which a commu-
13 nity meets the criteria described in subsection (b).

14 (2) COLLABORATION.—For inland lake and
15 riverfront communities, in making the designation
16 described in paragraph (1), the Secretary shall work
17 with the Administrator of the Environmental Protec-
18 tion Agency and the heads of other Federal agen-
19 cies, as the Secretary determines to be necessary.

20 (b) RESILIENT WATERFRONT COMMUNITY PLAN.—

21 A resilient waterfront community plan is a community-
22 driven vision and plan that is developed—

23 (1) voluntarily at the discretion of the commu-
24 nity—

25 (A) to respond to local needs; or

1 (B) to take advantage of new water-ori-
2 ented opportunities;

3 (2) with the leadership of the relevant govern-
4 mental entity or Indian tribe with the active partici-
5 pation of—

6 (A) community residents;

7 (B) utilities; and

8 (C) interested business and nongovern-
9 mental stakeholders;

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

13 (4) in consideration of all applicable State and
14 Federal coastal zone management planning require-
15 ments;

16 (5) to address economic competitive strengths;
17 and

18 (6) to complement and incorporate the objec-
19 tives and recommendations of applicable regional
20 economic plans.

21 (c) COMPONENTS OF A RESILIENT WATERFRONT
22 COMMUNITY PLAN.—A resilient waterfront community
23 plan shall—

24 (1) consider all, or a portion of, the waterfront
25 area and adjacent land and water to which the wa-

1 waterfront is connected ecologically, economically, or
2 through local governmental or tribal boundaries;

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

6 (A) the economic opportunities resulting
7 from water proximity and access, including—

8 (i) water-dependent industries;

9 (ii) water-oriented commerce; and

10 (iii) recreation and tourism;

11 (B) the community relationship to the
12 water, including—

13 (i) quality of life;

14 (ii) public health;

15 (iii) community heritage; and

16 (iv) public access, particularly in areas
17 in which publicly funded ecosystem res-
18 toration is underway;

19 (C) ecosystem challenges and projections,
20 including unresolved and emerging impacts to
21 the health and safety of the waterfront and pro-
22 jections for extreme weather and water condi-
23 tions;

1 (D) infrastructure needs and opportunities,
2 to facilitate strategic and sustainable capital in-
3 vestments in—

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

5 (ii) protection against storm surges,
6 waves, and flooding;

7 (iii) stormwater, sanitary sewer, and
8 drinking water systems, including green in-
9 frastructure and opportunities to control
10 nonpoint source runoff; and

11 (iv) other community facilities and
12 private development; and

13 (E) such other factors as are determined
14 by the Secretary to align with metrics or indica-
15 tors for resiliency, considering environmental
16 and economic changes.

17 (d) DURATION.—After the designation of a commu-
18 nity as a resilient waterfront community under subsection
19 (a), a resilient waterfront community plan developed in ac-
20 cordance with subsections (b) and (c) may be—

21 (1) effective for the 10-year period beginning on
22 the date on which the Secretary approves the resil-
23 ient waterfront community plan; and

24 (2) updated by the resilient waterfront commu-
25 nity and submitted to the Secretary for the approval

1 of the Secretary before the expiration of the 10-year
2 period.

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

4 (a) IN GENERAL.—The Secretary shall develop and
5 maintain a resilient waterfront communities network to fa-
6 cilitate the sharing of best practices among waterfront
7 communities.

8 (b) PUBLIC RECOGNITION.—In consultation with
9 designated resilient waterfront communities, the Secretary
10 shall provide formal public recognition of the designated
11 resilient waterfront communities to promote tourism, in-
12 vestment, or other benefits.

13 **SEC. 6. WATERFRONT COMMUNITY REVITALIZATION AC-**
14 **TIVITIES.**

15 (a) IN GENERAL.—To support a community in
16 leveraging other sources of public and private investment,
17 the Secretary may use existing authority to support—

18 (1) the development of a resilient waterfront
19 community plan, including planning and feasibility
20 analysis; and

21 (2) the implementation of strategic components
22 of a resilient waterfront community plan after the
23 resilient waterfront community plan has been ap-
24 proved by the Secretary.

25 (b) NON-FEDERAL PARTNERS.—

1 (1) LEAD NON-FEDERAL PARTNERS.—A unit of
2 local government or an Indian tribe shall be eligible
3 to be considered as a lead non-Federal partner if the
4 unit of local government or Indian tribe is—

5 (A) bound in part by—

6 (i) the Great Lakes; or

7 (ii) the ocean; or

8 (B) bordered or traversed by a riverfront
9 or an inland lake.

10 (2) NON-FEDERAL IMPLEMENTATION PART-
11 NERS.—Subject to subsection (d)(3), a lead non-
12 Federal partner may contract with an eligible non-
13 Federal implementation partner for implementation
14 activities described in subsection (d)(2).

15 (c) PLANNING ACTIVITIES.—

16 (1) IN GENERAL.—Technical assistance may be
17 provided for the development of a resilient water-
18 front community plan.

19 (2) ELIGIBLE PLANNING ACTIVITIES.—In devel-
20 oping a resilient waterfront community plan, a resil-
21 ient waterfront community may—

22 (A) conduct community visioning and out-
23 reach;

24 (B) identify challenges and opportunities;

25 (C) develop strategies and solutions;

1 (D) prepare plan materials, including text,
2 maps, design, and preliminary engineering;

3 (E) collaborate across local agencies and
4 work with regional, State, and Federal agencies
5 to identify, understand, and develop responses
6 to changing ecosystem and economic cir-
7 cumstances; and

8 (F) conduct other planning activities that
9 the Secretary considers necessary for the devel-
10 opment of a resilient waterfront community
11 plan that responds to revitalization and resil-
12 iency issues confronted by the resilient water-
13 front community.

14 (d) IMPLEMENTATION ACTIVITIES.—

15 (1) IN GENERAL.—Implementation assistance
16 may be provided—

17 (A) to initiate implementation of a resilient
18 waterfront community plan and facilitate high-
19 quality development, including leveraging local
20 and private sector investment; and

21 (B) to address strategic community prior-
22 ities that are identified in the resilient water-
23 front community plan.

24 (2) ASSISTANCE.—Assistance may be provided
25 to advance implementation activities, such as—

- 1 (A) site preparation;
- 2 (B) environmental review;
- 3 (C) engineering and design;
- 4 (D) acquiring easements or land for uses
5 such as green infrastructure, public amenities,
6 or assembling development sites;
- 7 (E) updates to zoning codes;
- 8 (F) construction of—
 - 9 (i) public waterfront or boating amen-
10 ities; and
 - 11 (ii) public spaces;
- 12 (G) infrastructure upgrades to improve
13 coastal resiliency;
- 14 (H) economic and community development
15 marketing and outreach; and
- 16 (I) other activities at the discretion of the
17 Secretary.

18 (3) IMPLEMENTATION PARTNERS.—

- 19 (A) IN GENERAL.—To assist in the com-
20 pletion of implementation activities, a lead non-
21 Federal partner may contract or otherwise col-
22 laborate with a non-Federal implementation
23 partner, including—
 - 24 (i) a nonprofit organization;
 - 25 (ii) a public utility;

- 1 (iii) a private entity;
- 2 (iv) an institution of higher education;
- 3 (v) a State government; or
- 4 (vi) a regional organization.

5 (B) LEAD NON-FEDERAL PARTNER RE-
6 SPONSIBILITY.—The lead non-Federal partner
7 shall ensure that assistance and resources re-
8 ceived by the lead non-Federal partner to ad-
9 vance the resilient waterfront community plan
10 of the lead non-Federal partner and for related
11 activities are used for the purposes of, and in
12 a manner consistent with, any initiative ad-
13 vanced by the Secretary for the purpose of pro-
14 moting waterfront community revitalization and
15 resiliency.

16 (e) USE OF NON-FEDERAL RESOURCES.—

17 (1) IN GENERAL.—A resilient waterfront com-
18 munity receiving assistance under this section shall
19 provide non-Federal funds toward completion of
20 planning or implementation activities.

21 (2) NON-FEDERAL RESOURCES.—Non-Federal
22 funds may be provided by—

23 (A) 1 or more units of local or tribal gov-
24 ernment;

25 (B) a State government;

- 1 (C) a nonprofit organization;
- 2 (D) a private entity;
- 3 (E) a foundation;
- 4 (F) a public utility; or
- 5 (G) a regional organization.

6 **SEC. 7. INTERAGENCY AWARENESS.**

7 At regular intervals, the Secretary shall provide a list
8 of resilient waterfront communities to the applicable
9 States and the heads of national and regional offices of
10 interested Federal agencies, including at a minimum—

- 11 (1) the Secretary of Transportation;
- 12 (2) the Secretary of Agriculture;
- 13 (3) the Administrator of the Environmental
14 Protection Agency;
- 15 (4) the Administrator of the Federal Emer-
16 gency Management Agency;
- 17 (5) the Assistant Secretary of the Army for
18 Civil Works;
- 19 (6) the Secretary of the Interior; and
- 20 (7) the Secretary of Housing and Urban Devel-
21 opment.

1 **SEC. 8. NO NEW REGULATORY AUTHORITY.**

2 Nothing in this Act may be construed as establishing
3 new authority for any Federal agency.

 Passed the Senate July 14, 2016.

Attest:

Secretary.

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