

118TH CONGRESS
1ST SESSION

S. 3180

To establish a working waterfronts grant program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2023

Ms. COLLINS (for herself and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a working waterfronts grant program.

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 “Working Waterfront
5 Preservation Act”.

6 **SEC. 2. WORKING WATERFRONT ACCESS PROTECTION**
7 **GRANT PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) BOAT.—The term “boat” means a
10 watercraft that is not built in a shipyard, and is

1 typically of the type suitable or intended for personal
2 use or for use in a fishery.

3 (2) BOATBUILDING INDUSTRY.—The term
4 “boatbuilding industry” means an industry primarily
5 engaged in building boats.

6 (3) COASTAL WATERS.—The term “coastal
7 waters” means—

8 (A) in the Great Lakes area, the waters
9 within the territorial jurisdiction of the United
10 States consisting of the Great Lakes, their con-
11 necting waters, harbors, roadsteads, and estu-
12 ary-type areas such as bays, shallows, and
13 marshes; and

14 (B) in other areas, those waters, adjacent
15 to the shorelines, which contain a measurable
16 quantity or percentage of sea water, including
17 sounds, bays, lagoons, bayous, ponds, and estu-
18 aries.

19 (4) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means—

21 (A) the government of a coastal State;

22 (B) a unit of local government within a
23 coastal State;

1 (C) a nonprofit organization that the Sec-
2 retary determines is appropriate to receive a
3 grant under subsection (b); or

4 (D) a participant in the commercial fishing
5 industry, the aquaculture industry, or the for-
6 hire recreational fishing industry.

7 (5) ELIGIBLE PROJECT.—The term “eligible
8 project” means a project—

9 (A) to—

10 (i) make improvements to real prop-
11 erty that is a working waterfront area lo-
12 cated in a coastal State and owned by an
13 eligible entity, including—

14 (I) the construction or repair of
15 wharfs or related facilities;

16 (II) the provision of access to
17 coastal waters in working waterfront
18 areas to persons engaged in the com-
19 mercial fishing industry, the aqua-
20 culture industry, the for-hire rec-
21 reational fishing industry, or the
22 boatbuilding industry; and

23 (III) improvements made to such
24 property in order to be resilient to cli-
25 mate change; or

1 (ii) permanently designate or other-
 2 wise protect real property owned or oper-
 3 ated by an eligible entity as a working wa-
 4 terfront area;

5 (B) that has been approved or endorsed by
 6 the State government entity responsible for
 7 fishery management or the State’s coastal zone
 8 management agency; and

9 (C) that is consistent with State coastal
 10 shoreline access laws (including regulations).

11 (6) NONPROFIT ORGANIZATION.—The term
 12 “nonprofit organization” means an organization that
 13 is—

14 (A) described in section 501(c) of the In-
 15 ternal Revenue Code of 1986; and

16 (B) exempt from taxation under section
 17 501(a) of the Internal Revenue Code of 1986.

18 (7) SECRETARY.—The term “Secretary” means
 19 the Secretary of Commerce.

20 (8) WORKING WATERFRONT AREA.—The term
 21 “working waterfront area” means land that is used
 22 for, or that supports, the commercial fishing indus-
 23 try, the aquaculture industry, the for-hire rec-
 24 reational fishing industry, or the boatbuilding indus-
 25 try.

1 (b) GRANT PROGRAM AUTHORIZED.—

2 (1) IN GENERAL.—The Secretary, acting
3 through the Economic Development Administration
4 of the Department of Commerce, shall award grants,
5 on a competitive basis, to eligible entities to carry
6 out eligible projects that support the commercial
7 fishing industry, the aquaculture industry, the for-
8 hire recreational fishing industry, or the
9 boatbuilding industry in coastal States.

10 (2) APPLICATION.—An eligible entity desiring a
11 grant under this section shall submit an application
12 to the Secretary at such time, in such manner, and
13 containing such information as the Secretary may
14 reasonably require.

15 (3) GRANT SELECTION CONSIDERATIONS.—In
16 selecting eligible entities to receive grants under this
17 section, the Secretary shall give substantial weight
18 to—

19 (A) the economic significance of the eligi-
20 ble project to the commercial fishing industry,
21 the aquaculture industry, the for-hire rec-
22 reational fishing industry, or the boatbuilding
23 industry in the immediate vicinity and in the
24 coastal State in which the eligible project is lo-
25 cated;

1 (B) whether other adequate waterfront ac-
2 cess alternatives exist for the commercial fish-
3 ing industry within the community in which the
4 eligible entity seeks to use grant funding;

5 (C) the utility of the eligible project for use
6 in the commercial fishing industry, the aqua-
7 culture industry, the for-hire recreational fish-
8 ing industry, or the boatbuilding industry, with
9 respect to the natural characteristics and devel-
10 oped infrastructure of the relevant property;

11 (D) whether the applicant has a business
12 plan for the area in which the project will be lo-
13 cated;

14 (E) the likelihood that the working water-
15 front area will remain compatible with commer-
16 cial fishing, aquaculture, for-hire recreational
17 fishing, or boatbuilding, and the applicant's
18 ability to demonstrate a need for, or support
19 for, the project within the community; and

20 (F) whether the applicant intends to per-
21 manently protect the relevant property.

22 (c) COST SHARING.—The amount of a grant awarded
23 under this section to carry out an eligible project may not
24 exceed 50 percent of the total cost of the eligible project.

1 (d) USE OF GRANT FUNDS FOR ELIGIBLE
2 PROJECTS.—

3 (1) IMPROVED OR PROTECTED PROPERTY.—

4 (A) IN GENERAL.—Grants awarded under
5 this section may be used to improve or protect
6 privately owned real property or interests in
7 privately owned real property, including ease-
8 ments, only from willing owners.

9 (B) NO EXERCISE OF EMINENT DOMAIN.—

10 No Federal, State, or local agency may exercise
11 the power of eminent domain to secure title to
12 any real property or facilities in connection with
13 a project carried out under this Act.

14 (e) ANNUAL REPORT.—The Secretary shall submit to
15 Congress an annual report that describes the eligible
16 projects funded with grants awarded under this section.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this Act
19 \$20,000,000 for each of the fiscal years 2024 through
20 2028.

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