

118TH CONGRESS
2D SESSION

S. 4800

To designate certain communities as resilient waterfront communities, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2024

Ms. BALDWIN introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To designate certain communities as resilient waterfront
communities, 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 “Waterfront Community
5 Revitalization and Resiliency Act of 2024”.

6 **SEC. 2. WORKING WATERFRONTS.**

7 (a) IN GENERAL.—Part C of subtitle V of title 46,
8 United States Code, is amended by adding after chapter
9 543 the following:

1 **“CHAPTER 544—WATERFRONT**
 2 **COMMUNITIES**

“Sec.

“54401. Definitions.

“54402. Purpose.

“54403. Resilient waterfront communities designation.

“54404. Resilient waterfront communities network.

3 **“§ 54401. Definitions**

4 “In this chapter:

5 “(1) BLUE ECONOMY.—The term ‘blue econ-
 6 omy’ means industries related to the Great Lakes,
 7 oceans, bays, estuaries, and coasts in the economy of
 8 the United States, including living resources, marine
 9 construction, marine transportation, offshore energy
 10 development and siting, including for renewable en-
 11 ergy, offshore mineral production, ship- and boat-
 12 building, tourism, recreation, subsistence, commer-
 13 cial, recreational, and charter fishing, seafood proc-
 14 essing, and other fishery-related businesses, aqua-
 15 culture (such as kelp and shellfish), and other indus-
 16 tries the Secretary of Commerce considers appro-
 17 priate.

18 “(2) COVERED ENTITY.—The term ‘covered en-
 19 tity’ means the following:

20 “(A) A State.

21 “(B) A political subdivision of a State, or
 22 a local government.

1 “(C) A public agency or publicly chartered
2 authority established by 1 or more States.

3 “(D) A special purpose district with a
4 transportation function.

5 “(E) An Indian Tribe or a Native Hawai-
6 ian organization.

7 “(F) A multistate or multijurisdictional
8 group of entities described in subparagraphs
9 (A) through (E).

10 “(G) A lead entity described in subpara-
11 graphs (A) through (F), jointly with an addi-
12 tional entity or group of entities that may in-
13 clude—

14 “(i) a nonprofit organization with rel-
15 evant expertise;

16 “(ii) an institution of higher education
17 (as defined in section 101(a) of the Higher
18 Education Act of 1965 (20 U.S.C.
19 1001(a)); or

20 “(iii) a private entity.

21 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
22 has the meaning given the term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5304).

1 “(4) NATIVE HAWAIIAN ORGANIZATION.—The
 2 term ‘Native Hawaiian organization’ has the mean-
 3 ing given the term under section 6207 of the Ele-
 4 mentary and Secondary Education Act of 1965 (20
 5 U.S.C. 7517).

6 “(5) PORT.—The term ‘port’ means—

7 “(A) any port on the navigable waters of
 8 the United States; and

9 “(B) any harbor, marine terminal, or other
 10 shore side facility used principally for the move-
 11 ment of goods on inland waters.

12 “(6) PROJECT.—The term ‘project’ means con-
 13 struction, reconstruction, environmental rehabilita-
 14 tion, acquisition of property, including land related
 15 to the project and improvements to the land, equip-
 16 ment acquisition, and operational improvements.

17 “(7) RESILIENT.—The term ‘resilient’ means
 18 the ability to anticipate, prepare for, adapt to, with-
 19 stand, respond to, and recover from operational dis-
 20 ruptions including disruptions caused by natural or
 21 manmade hazards or extreme weather events.

22 “(8) RESILIENT WATERFRONT COMMUNITY.—
 23 The term ‘resilient waterfront community’ means a
 24 resilient waterfront community designated under
 25 section 54403.

1 “(9) WORKING WATERFRONT.—The term
 2 ‘working waterfront’ means real property (including
 3 support structures over water and other facilities)
 4 that provides access to coastal and Great Lakes
 5 waters to persons engaged in commercial and rec-
 6 reational fishing, recreational fishing and boating
 7 businesses, boatbuilding, aquaculture, or other
 8 water-dependent, coastal-related business and is
 9 used for, or that supports, commercial and rec-
 10 reational fishing, recreational fishing and boating
 11 businesses, boatbuilding, aquaculture, or other
 12 water-dependent, coastal-related business and recre-
 13 ation.

14 **“§ 54402. Purpose**

15 “The purpose of this chapter is to promote the rec-
 16 ognition and support of resilient waterfront communities
 17 so that such communities may support working water-
 18 fronts, resilience, economic development, port infrastruc-
 19 ture, natural infrastructure, coastal activities, public ac-
 20 cess, the associated blue economy, and related projects.

21 **“§ 54403. Resilient waterfront communities designa-**
 22 **tion**

23 “(a) DESIGNATION AS RESILIENT WATERFRONT
 24 COMMUNITIES.—

25 “(1) IN GENERAL.—

1 “(A) DESIGNATION.—Subject to para-
2 graphs (2) and (3), the Secretary of Commerce
3 (referred to in this section as the ‘Secretary’),
4 in coordination with the Secretary of Transpor-
5 tation, shall designate certain communities that
6 submit a plan to the Secretary as ‘resilient wa-
7 terfront communities’, based on the extent to
8 which the community plan meets the criteria
9 described in subsection (b).

10 “(B) ELIGIBLE COMMUNITIES.—A commu-
11 nity shall be eligible to be designated under
12 subparagraph (A) if it is a local government, an
13 Indian Tribe, or a Native Hawaiian community
14 that operates in an area with a working water-
15 front that is bound in part by—

16 “(i) at least one of the Great Lakes;

17 or

18 “(ii) the ocean.

19 “(2) COLLABORATION.—In carrying out this
20 section, the Secretary shall work with the Secretary
21 of Transportation and the heads of other Federal
22 agencies, as the Secretary determines necessary.

23 “(3) ENGAGEMENT.—In carrying out this sec-
24 tion, the Secretary shall engage with Indian Tribes
25 and Native Hawaiian communities.

1 “(4) TECHNICAL ASSISTANCE.—In carrying out
2 this section, the Secretary shall provide technical as-
3 sistance to communities seeking to be designated as
4 a resilient waterfront community. Technical assist-
5 ance shall include—

6 “(A) providing information about relevant
7 programs under sections 25010 and 21205 of
8 the Infrastructure Investment and Jobs Act (49
9 U.S.C. 102 note; 116 note; Public Law 117–
10 58);

11 “(B) providing information about relevant
12 grants;

13 “(C) providing information about best
14 practices;

15 “(D) providing copies of relevant studies
16 and research; and

17 “(E) other support, as determined by the
18 Secretary.

19 “(b) RESILIENT WATERFRONT COMMUNITY PLAN.—
20 A community seeking to be designated as a resilient water-
21 front community shall submit a resilient waterfront com-
22 munity plan to the Secretary. Such plan shall be a commu-
23 nity-driven vision and plan that is developed—

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

1 “(A) to respond to local needs; or

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

4 “(2) with the leadership of the relevant govern-
5 mental entity, Indian Tribe, or Native Hawaiian
6 community, and with the active participation of—

7 “(A) community residents;

8 “(B) utilities; and

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

11 “(3) as a new document or by amending or
12 compiling community planning documents, as nec-
13 essary, at the discretion of the Secretary;

14 “(4) to address economic competitive strengths;
15 and

16 “(5) to complement and incorporate the objec-
17 tives and recommendations of applicable regional
18 economic plans.

19 “(c) COMPONENTS OF A RESILIENT WATERFRONT
20 COMMUNITY PLAN.—A resilient waterfront community
21 plan shall—

22 “(1) consider all, or a portion of, the relevant
23 waterfront area and adjacent land and water to
24 which the waterfront is connected ecologically, eco-

1 nomicallly, or through local governmental or Tribal
2 boundaries; and

3 “(2) describe a vision and plan for the commu-
4 nity to be developed or preserved as a vital and resil-
5 ient waterfront community, integrating consideration
6 of—

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

9 “(i) water-dependent industries;

10 “(ii) water-oriented commerce; and

11 “(iii) recreation and tourism;

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

14 “(i) quality of life;

15 “(ii) public health;

16 “(iii) community and economic herit-
17 age, such as maritime and waterfront in-
18 dustries; and

19 “(iv) public access;

20 “(C) the environment;

21 “(D) ecosystem challenges and projections,
22 including—

23 “(i) unresolved and emerging impacts
24 to the health and safety of the applicable
25 waterfront;

1 “(ii) the impact of natural disasters
 2 and weather events on the physical and fi-
 3 nancial security of residents, based on for-
 4 ward-looking, long-term meteorological
 5 data; and

6 “(iii) projections for extreme weather
 7 and water conditions;

8 “(E) infrastructure needs and opportuni-
 9 ties, such as—

10 “(i) docks, piers, and harbor facilities;

11 “(ii) protection against storm surges,
 12 waves, and flooding; and

13 “(iii) natural infrastructure; and

14 “(F) other community facilities and private
 15 development.

16 “(d) DURATION.—After the designation of a commu-
 17 nity as a resilient waterfront community under subsection
 18 (a), a resilient waterfront community plan developed in ac-
 19 cordance with this section shall have a duration effective
 20 for the 10-year period beginning on the date on which the
 21 Secretary approves the resilient waterfront community
 22 plan.

23 “(e) WITHDRAWAL OF DESIGNATION.—A covered en-
 24 tity that represents a community that is designated as a
 25 resilient waterfront community under subsection (a) may

1 submit a request at any time to the Secretary that such
2 designation be withdrawn.

3 “(f) UPDATES.—A resilient waterfront community
4 plan under this section may be updated by a covered enti-
5 ty, and submitted to the Secretary for approval, before
6 the expiration of the 10-year period described in sub-
7 section (d).

8 “(g) APPROVAL.—The Secretary shall approve or dis-
9 approve a resilient waterfront community plan submitted
10 under subsection (b), or an update to such plan submitted
11 under subsection (f), by not later than 180 days after the
12 date of receipt of the plan.

13 **“§ 54404. Resilient waterfront communities network**

14 “(a) IN GENERAL.—The Secretary shall develop and
15 maintain a resilient waterfront communities network to fa-
16 cilitate the sharing of best practices among communities
17 that have been designated as resilient waterfront commu-
18 nities under section 54403.

19 “(b) PUBLIC RECOGNITION.—In consultation with
20 designated resilient waterfront communities, the Secretary
21 shall provide formal public recognition of the designated
22 resilient waterfront communities to promote tourism, rec-
23 reational activities, commercial investment, or other com-
24 munity benefits.

1 “(c) WEBSITE.—The Secretary of Commerce shall es-
 2 tablish, and update periodically, a publicly accessible
 3 website to provide information for communities—

4 “(1) to access best practices in establishing a
 5 designation under section 54403, including—

6 “(A) the technological, economic, environ-
 7 mental, social, and cultural impacts of resiliency
 8 planning and investment;

9 “(B) the barriers communities face to suc-
 10 cessfully planning, implementing, and achieving
 11 short, and long-term benefits from resiliency
 12 and revitalization activities, as well as solutions
 13 to diagnose, understand, and overcome those
 14 barriers; and

15 “(C) changing environmental and economic
 16 conditions and information on incorporating
 17 forward-looking projections into strategic com-
 18 munity decision making; and

19 “(2) about funding opportunities throughout
 20 the Federal Government, including technical assist-
 21 ance opportunities that could support the implemen-
 22 tation of resilient waterfront community plans.”.

23 (b) TABLE OF CHAPTERS AMENDMENT.—The table
 24 of chapters at the beginning of subtitle V of title 46,

1 United States Code, is amended by adding at the end of
 2 the items relating to part C the following new item:

544. Waterfront Communities 54401

3 (c) SPECIAL GRANTS.—Section 205(b) of the Na-
 4 tional Sea Grant College Program Act (33 U.S.C.
 5 1124(b)) is amended—

6 (1) by redesignating paragraphs (1) through
 7 (3) as clauses (i) through (iii), respectively, moving
 8 such clauses to follow paragraph (2)(A) (as des-
 9 ignated under paragraph (4) of this subsection), and
 10 adjusting the margins accordingly;

11 (2) by striking “The Secretary” and inserting
 12 the following:

13 “(1) SPECIAL GRANTS GENERALLY.—

14 “(A) IN GENERAL.—The Secretary”;

15 (3) by inserting “and activities under para-
 16 graph (3)” after “section 202(b)”;

17 (4) by striking “No grant may be made under
 18 this subsection” and inserting the following:

19 “(2) SPECIAL GRANTS.—

20 “(A) IN GENERAL.—With respect to a
 21 grant under this subsection that is not a grant
 22 described in paragraph (3), no grant may be
 23 made”;

24 (5) by striking “The total amount” and insert-
 25 ing the following:

1 “(B) AMOUNT.—Except with respect to
 2 grants described under paragraph (3), the total
 3 amount”; and
 4 (6) by adding at the end the following:

5 “(3) SPECIAL GRANTS FOR WORKING WATER-
 6 FRONTS.—

7 “(A) IN GENERAL.—Notwithstanding any
 8 other provision of this Act, the Secretary may
 9 make special grants under this subsection to
 10 support covered entities (as defined in section
 11 54401 of title 46, United States Code) for the
 12 purposes of—

13 “(i) development of the plan described
 14 under section 54403(b) of title 46, United
 15 States Code, including by—

16 “(I) conducting economic and
 17 community development marketing
 18 and outreach;

19 “(II) updating zoning regula-
 20 tions;

21 “(III) conducting environmental
 22 reviews;

23 “(IV) completing engineering and
 24 landscape architecture design plans;

1 “(V) collaborating across local
2 agencies and regional, State, Tribal,
3 and Federal agencies to identify, un-
4 derstand, and develop responses to
5 changing ecosystems and economic
6 circumstances; and

7 “(VI) conducting such other
8 planning activities as the Secretary
9 considers to be necessary for the de-
10 velopment of a resilient waterfront
11 community plan that responds to revi-
12 talization and resiliency issues faced
13 by such covered entity;

14 “(ii) carrying out projects that enable
15 the execution of the plan described under
16 section 54403(b) of title 46, United States
17 Code, including—

18 “(I) site preparation;

19 “(II) acquiring easements or land
20 for uses such as green infrastructure,
21 public amenities, or assembling devel-
22 opment sites;

23 “(III) construction of—

24 “(aa) public waterfront or
25 boating amenities; and

1 “(bb) public spaces;

2 “(IV) infrastructure upgrades to
3 improve coastal resiliency, including
4 green infrastructure; and

5 “(V) other activities, at the dis-
6 cretion of the Secretary; and

7 “(iii) executing other projects that are
8 consistent with the plan described under
9 section 54403(b) of title 46, United States
10 Code.

11 “(B) DEFINITIONS.—In this paragraph:

12 “(i) TITLE 46 TERMS.—The terms
13 ‘covered entity’, ‘resilient’, and ‘working
14 waterfront’ have the meanings given those
15 terms in section 54401 of title 46, United
16 States Code.

17 “(ii) PROJECT.—The term ‘project’
18 has the meaning given that term in section
19 54401 of title 46, United States Code, ex-
20 cept that such term shall only apply to ac-
21 tivities—

22 “(I) within the boundary of a
23 working waterfront; or

24 “(II) outside the boundary of a
25 working waterfront, if the projects are

1 directly related to the working water-
2 front or such plan.

3 “(C) ELIGIBILITY; TERMS AND CONDI-
4 TIONS.—

5 “(i) ELIGIBILITY AND PROCEDURE.—

6 The provisions of subsection (c) shall apply
7 with respect to grants under this para-
8 graph, except that only covered entities
9 shall be eligible to receive a grant under
10 this paragraph. Notwithstanding such sub-
11 section (c), the Secretary shall not be re-
12 quired to prescribe application require-
13 ments and procedures for grants under
14 this paragraph by regulation.

15 “(ii) TERMS AND CONDITIONS.—Para-
16 graphs (1) through (3) of subsection (d)
17 shall not apply with respect to grants
18 under this paragraph.

19 “(D) PROJECT SELECTION CRITERIA.—

20 “(i) IN GENERAL.—The Secretary
21 may select a project described in this para-
22 graph for funding under this subsection if
23 the Secretary determines that—

1 “(I) the project is consistent with
2 the plan under section 54403(b) of
3 title 46, United States Code;

4 “(II) the covered entity has au-
5 thority to carry out the project;

6 “(III) the covered entity has suf-
7 ficient funding to execute the project
8 or phase of the project;

9 “(IV) the project will be com-
10 pleted without unreasonable delay;
11 and

12 “(V) the project cannot be easily
13 and efficiently completed without Fed-
14 eral funding or financial assistance
15 available to the covered entity.

16 “(ii) ADDITIONAL CONSIDER-
17 ATIONS.—In selecting projects described in
18 this paragraph for funding under this sub-
19 section, the Secretary shall give consider-
20 ation to—

21 “(I) the utilization of non-Fed-
22 eral contributions; and

23 “(II) the net benefits of the
24 funds awarded under this subsection.

1 “(E) PROCEDURAL SAFEGUARDS.—The
 2 Secretary shall issue guidelines to establish ap-
 3 propriate accounting, reporting, and review pro-
 4 cedures for grants made under this paragraph
 5 to ensure that—

6 “(i) grant funds are used for the pur-
 7 poses for which those funds were made
 8 available;

9 “(ii) each grantee properly accounts
 10 for all expenditures of grant funds; and

11 “(iii) grant funds not used for such
 12 purposes and amounts not obligated or ex-
 13 pended are returned.”.

14 (d) TECHNICAL AMENDMENTS.—Section 205 of the
 15 National Sea Grant College Program Act (33 U.S.C.
 16 1124) is further amended—

17 (1) in subsection (c), by striking “Any person”
 18 and inserting “Subject to subsection (b)(3), any per-
 19 son”; and

20 (2) in subsection (d)(1), by striking “Any
 21 grant” and inserting “Subject to subsection (b)(3),
 22 any grant”.

1 **SEC. 3. RESILIENT WATERFRONT COMMUNITIES REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary shall submit to Congress a re-
4 port describing—

5 (1) the participation in the program of desig-
6 nating resilient waterfront communities under chap-
7 ter 544 of title 46, United States Code, the results
8 of such program, and the Secretary’s plans to im-
9 prove outreach, implementation, and best practice
10 guidance regarding such program; and

11 (2) the participation in the program of special
12 grants for working waterfronts described in para-
13 graph (3) of section 205(b) of the National Sea
14 Grant College Program Act (33 U.S.C. 1124(b)),
15 the results of such program, and the Secretary’s
16 plans to improve outreach, implementation, and best
17 practice guidance regarding such program.

○