

Union Calendar No. 238

116TH CONGRESS
1ST SESSION

H. R. 3596

[Report No. 116–295]

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2019

Ms. PINGREE (for herself, Mr. WITTMAN, Mr. HUFFMAN, Mr. ROUDA, Mr. CARBAJAL, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 15, 2019

Additional sponsors: Mr. CASE, Mr. GOLDEN, Mrs. LURIA, Mr. PALLONE, Mr. KILMER, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Ms. GABBARD

NOVEMBER 15, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 28, 2019]

A BILL

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, 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 “Keep America’s Water-*
 5 *fronts Working Act”.*

6 **SEC. 2. WORKING WATERFRONTS GRANT PROGRAM.**

7 *The Coastal Zone Management Act of 1972 (16 U.S.C.*
 8 *1451 et seq.) is amended by adding at the end the following:*

9 **“SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.**

10 *“(a) WORKING WATERFRONT TASK FORCE.—*

11 *“(1) ESTABLISHMENT AND FUNCTIONS.—The*
 12 *Secretary of Commerce shall establish a task force to*
 13 *work directly with coastal States, user groups, and*
 14 *coastal stakeholders to identify and address critical*
 15 *needs with respect to working waterfronts.*

16 *“(2) MEMBERSHIP.—The members of the task*
 17 *force shall be appointed by the Secretary of Com-*
 18 *merce, and shall include—*

19 *“(A) experts in the unique economic, social,*
 20 *cultural, ecological, geographic, and resource*
 21 *concerns of working waterfronts; and*

22 *“(B) representatives from the National Oce-*
 23 *anic and Atmospheric Administration’s Office of*
 24 *Coastal Management, the United States Fish and*
 25 *Wildlife Service, the Department of Agriculture,*

1 *the Environmental Protection Agency, the*
2 *United States Geological Survey, the Navy, the*
3 *National Marine Fisheries Service, the Economic*
4 *Development Agency, and such other Federal*
5 *agencies as the Secretary considers appropriate.*

6 *“(3) FUNCTIONS.—The task force shall—*

7 *“(A) identify and prioritize critical needs*
8 *with respect to working waterfronts in States*
9 *that have a management program approved by*
10 *the Secretary of Commerce pursuant to section*
11 *306, in the areas of—*

12 *“(i) economic and cultural importance*
13 *of working waterfronts to communities;*

14 *“(ii) changing environments and*
15 *threats working waterfronts face from envi-*
16 *ronment changes, trade barriers, sea level*
17 *rise, extreme weather events, ocean acidifi-*
18 *cation, and harmful algal blooms; and*

19 *“(iii) identifying working waterfronts*
20 *and highlighting them within communities;*

21 *“(B) outline options, in coordination with*
22 *coastal States and local stakeholders, to address*
23 *such critical needs, including adaptation and*
24 *mitigation where applicable;*

1 “(C) identify Federal agencies that are re-
2 sponsible under existing law for addressing such
3 critical needs; and

4 “(D) recommend Federal agencies best suit-
5 ed to address any critical needs for which no
6 agency is responsible under existing law.

7 “(4) INFORMATION TO BE CONSIDERED.—In
8 identifying and prioritizing policy gaps pursuant to
9 paragraph (3), the task force shall consider the find-
10 ings and recommendations contained in section VI of
11 the report entitled ‘The Sustainable Working Water-
12 fronts Toolkit: Final Report’, dated March 2013.

13 “(5) REPORT.—Not later than 18 months after
14 the date of the enactment of this section, the task force
15 shall submit a report to Congress on its findings.

16 “(6) IMPLEMENTATION.—The head of each Fed-
17 eral agency identified in the report pursuant to para-
18 graph (3)(C) shall take such action as is necessary to
19 implement the recommendations contained in the re-
20 port by not later than 1 year after the date of the
21 issuance of the report.

22 “(b) WORKING WATERFRONT GRANT PROGRAM.—

23 “(1) The Secretary shall establish a Working
24 Waterfront Grant Program, in cooperation with ap-
25 propriate State, regional, and other units of govern-

1 *ment, under which the Secretary may make a grant*
2 *to any coastal State for the purpose of implementing*
3 *a working waterfront plan approved by the Secretary*
4 *under subsection (c).*

5 *“(2) Subject to the availability of appropri-*
6 *ations, the Secretary shall award matching grants*
7 *under the Working Waterfronts Grant Program to*
8 *coastal States with approved working waterfront*
9 *plans through a regionally equitable, competitive*
10 *funding process in accordance with the following:*

11 *“(A) The Governor, or the lead agency des-*
12 *ignated by the Governor for coordinating the im-*
13 *plementation of this section, where appropriate*
14 *in consultation with the appropriate local gov-*
15 *ernment, shall determine that the application is*
16 *consistent with the State’s or territory’s ap-*
17 *proved coastal zone plan, program, and policies*
18 *prior to submission to the Secretary.*

19 *“(B) In developing guidelines under this*
20 *section, the Secretary shall consult with coastal*
21 *States, other Federal agencies, and other inter-*
22 *ested stakeholders with expertise in working wa-*
23 *terfront planning.*

24 *“(C) Coastal States may allocate grants to*
25 *local governments, agencies, or nongovernmental*

1 *organizations eligible for assistance under this*
2 *section.*

3 “(3) *In awarding a grant to a coastal State, the*
4 *Secretary shall consider—*

5 “(A) *the economic, cultural, and historical*
6 *significance of working waterfront to the coastal*
7 *State;*

8 “(B) *the demonstrated working waterfront*
9 *needs of the coastal State as outlined by a work-*
10 *ing waterfront plan approved for the coastal*
11 *State under subsection (c), and the value of the*
12 *proposed project for the implementation of such*
13 *plan;*

14 “(C) *the ability to successfully leverage*
15 *funds among participating entities, including*
16 *Federal programs, regional organizations, State*
17 *and other government units, landowners, cor-*
18 *porations, or private organizations;*

19 “(D) *the potential for rapid turnover in the*
20 *ownership of working waterfront in the coastal*
21 *State, and where applicable the need for coastal*
22 *States to respond quickly when properties in ex-*
23 *isting or potential working waterfront areas or*
24 *public access areas as identified in the working*

1 *waterfront plan submitted by the coastal State*
 2 *come under threat or become available; and*

3 “(E) *the impact of the working waterfront*
 4 *plan approved for the coastal State under sub-*
 5 *section (c) on the coastal ecosystem and the users*
 6 *of the coastal ecosystem.*

7 “(4) *The Secretary shall approve or reject an ap-*
 8 *plication for such a grant within 60 days after receiv-*
 9 *ing an application for the grant.*

10 “(c) *WORKING WATERFRONT PLANS.—*

11 “(1) *To be eligible for a grant under subsection*
 12 *(b), a coastal State must submit and have approved*
 13 *by the Secretary a comprehensive working waterfront*
 14 *plan in accordance with this subsection, or be in the*
 15 *process of developing such a plan and have an estab-*
 16 *lished working waterfront program at the State or*
 17 *local level, or the Secretary determines that an exist-*
 18 *ing coastal land use plan for that State is in accord-*
 19 *ance with this subsection.*

20 “(2) *Such plan—*

21 “(A) *must provide for preservation and ex-*
 22 *pansion of access to coastal waters to persons en-*
 23 *gaged in commercial fishing, recreational fishing*
 24 *and boating businesses, aquaculture,*

1 *boatbuilding, or other water-dependent, coastal-*
2 *related business;*

3 “(B) shall include one or more of—

4 “(i) an assessment of the economic, so-
5 cial, cultural, and historic value of working
6 waterfront to the coastal State;

7 “(ii) a description of relevant State
8 and local laws and regulations affecting
9 working waterfront in the geographic areas
10 identified in the working waterfront plan;

11 “(iii) identification of geographic areas
12 where working waterfronts are currently
13 under threat of conversion to uses incompat-
14 ible with commercial and recreational fish-
15 ing, recreational fishing and boating busi-
16 nesses, aquaculture, boatbuilding, or other
17 water-dependent, coastal-related business,
18 and the level of that threat;

19 “(iv) identification of geographic areas
20 with a historic connection to working wa-
21 terfronts where working waterfronts are not
22 currently available, and, where appropriate,
23 an assessment of the environmental impacts
24 of any expansion or new development of

1 *working waterfronts on the coastal eco-*
2 *system;*

3 “(v) *identification of other working*
4 *waterfront needs including improvements to*
5 *existing working waterfronts and working*
6 *waterfront areas;*

7 “(vi) *a strategic and prioritized plan*
8 *for the preservation, expansion, and im-*
9 *provement of working waterfronts in the*
10 *coastal State;*

11 “(vii) *for areas identified under*
12 *clauses (iii), (iv), (v), and (vi), identifica-*
13 *tion of current availability and potential*
14 *for expansion of public access to coastal*
15 *waters;*

16 “(viii) *a description of the degree of*
17 *community support for such strategic plan;*
18 *and*

19 “(ix) *a contingency plan for properties*
20 *that revert to the coastal State pursuant to*
21 *determinations made by the coastal State*
22 *under subsection (g)(4)(C);*

23 “(C) *may include detailed environmental*
24 *impacts on working waterfronts, including haz-*

1 *ards, sea level rise, inundation exposure, and*
2 *other resiliency issues;*

3 *“(D) may be part of the management pro-*
4 *gram approved under section 306;*

5 *“(E) shall utilize to the maximum extent*
6 *practicable existing information contained in*
7 *relevant surveys, plans, or other strategies to ful-*
8 *fill the information requirements under this*
9 *paragraph; and*

10 *“(F) shall incorporate the policies and regu-*
11 *lations adopted by communities under local*
12 *working waterfront plans or strategies in exist-*
13 *ence before the date of the enactment of this sec-*
14 *tion.*

15 *“(3) A working waterfront plan—*

16 *“(A) shall be effective for purposes of this*
17 *section for the 5-year period beginning on the*
18 *date it is approved by the Secretary;*

19 *“(B) must be updated and re-approved by*
20 *the Secretary before the end of such period; and*

21 *“(C) shall be complimentary to and incor-*
22 *porate the policies and objectives of regional or*
23 *local working waterfront plans as in effect before*
24 *the date of enactment of this section or as subse-*
25 *quently revised.*

1 “(4) *The Secretary may—*

2 “(A) *award planning grants to coastal*
3 *States for the purpose of developing or revising*
4 *comprehensive working waterfront plans; and*

5 “(B) *award grants consistent with the pur-*
6 *poses of this section to States undertaking the*
7 *working waterfront planning process under this*
8 *section, for the purpose of preserving and pro-*
9 *tecting working waterfronts during such process.*

10 “(5) *Any coastal State applying for a working*
11 *waterfront grant under this title shall—*

12 “(A) *develop a working waterfront plan,*
13 *using a process that involves the public and those*
14 *with an interest in the coastal zone;*

15 “(B) *coordinate development and implemen-*
16 *tation of such a plan with other coastal manage-*
17 *ment programs, regulations, and activities of the*
18 *coastal State; and*

19 “(C) *if the coastal State allows qualified*
20 *holders (other than the coastal State) to enter*
21 *into working waterfront covenants, provide as*
22 *part of the working waterfront plan under this*
23 *subsection a mechanism or procedure to ensure*
24 *that the qualified holders are complying their*

1 *duties to enforce the working waterfront cov-*
2 *enant.*

3 “(d) *USES, TERMS, AND CONDITIONS.*—

4 “(1) *Each grant made by the Secretary under*
5 *this section shall be subject to such terms and condi-*
6 *tions as may be appropriate to ensure that the grant*
7 *is used for purposes consistent with this section.*

8 “(2) *A grant under this section may be used—*

9 “(A) *to acquire a working waterfront, or an*
10 *interest in a working waterfront;*

11 “(B) *to make improvements to a working*
12 *waterfront, including the construction or repair*
13 *of wharfs, boat ramps, or related facilities; or*

14 “(C) *for necessary climate adaptation miti-*
15 *gation.*

16 “(e) *PUBLIC ACCESS REQUIREMENT.*—*A working wa-*
17 *terfront project funded by grants made under this section*
18 *must provide for expansion, improvement, or preservation*
19 *of reasonable and appropriate public access to coastal*
20 *waters at or in the vicinity of a working waterfront, except*
21 *for commercial fishing or other industrial access points*
22 *where the coastal State determines that public access would*
23 *be unsafe.*

24 “(f) *LIMITATIONS.*—

1 “(1) *Except as provided in paragraph (2), a*
2 *grant awarded under this section may be used to pur-*
3 *chase working waterfront or an interest in working*
4 *waterfront, including an easement, only from a will-*
5 *ing seller and at fair market value.*

6 “(2) *A grant awarded under this section may be*
7 *used to acquire working waterfront or an interest in*
8 *working waterfront at less than fair market value*
9 *only if the owner certifies to the Secretary that the*
10 *sale is being entered into willingly and without coer-*
11 *cion.*

12 “(3) *No Federal, State, or local entity may exer-*
13 *cise the power of eminent domain to secure title to*
14 *any property or facilities in connection with a project*
15 *carried out under this section.*

16 “(g) *ALLOCATION OF GRANTS TO LOCAL GOVERN-*
17 *MENTS AND OTHER ENTITIES.—*

18 “(1) *The Secretary shall encourage coastal States*
19 *to broadly allocate amounts received as grants under*
20 *this section among working waterfronts identified in*
21 *working waterfront plans approved under subsection*
22 *(c).*

23 “(2) *Subject to the approval of the Secretary, a*
24 *coastal State may, as part of an approved working*
25 *waterfront plan, designate as a qualified holder any*

1 *unit of State or local government or nongovernmental*
2 *organization, if the coastal State is ultimately respon-*
3 *sible for ensuring that the property will be managed*
4 *in a manner that is consistent with the purposes for*
5 *which the land entered into the program.*

6 *“(3) A coastal State or a qualified holder des-*
7 *ignated by a coastal State may allocate to a unit of*
8 *local government, nongovernmental organization, fish-*
9 *ing cooperative, or other entity, a portion of any*
10 *grant made under this section for the purpose of car-*
11 *rying out this section, except that such an allocation*
12 *shall not relieve the coastal State of the responsibility*
13 *for ensuring that any funds so allocated are applied*
14 *in furtherance of the coastal State’s approved working*
15 *waterfront plan.*

16 *“(4) A qualified holder may hold title to or in-*
17 *terest in property acquired under this section, except*
18 *that—*

19 *“(A) all persons holding title to or interest*
20 *in working waterfront affected by a grant under*
21 *this section, including a qualified holder, private*
22 *citizen, private business, nonprofit organization,*
23 *fishing cooperative, or other entity, shall enter*
24 *into a working waterfront covenant;*

1 “(B) such covenant shall be held by the
2 coastal State or a qualified holder designated
3 under paragraph (2);

4 “(C) if the coastal State determines, on the
5 record after an opportunity for a hearing, that
6 the working waterfront covenant has been vio-
7 lated—

8 “(i) all right, title, and interest in and
9 to the working waterfront covered by such
10 covenant shall, except as provided in sub-
11 paragraph (D), revert to the coastal State;
12 and

13 “(ii) the coastal State shall have the
14 right of immediate entry onto the working
15 waterfront;

16 “(D) if a coastal State makes a determina-
17 tion under subparagraph (C), the coastal State
18 may convey or authorize the qualified holder to
19 convey the working waterfront or interest in
20 working waterfront to another qualified holder;
21 and

22 “(E) nothing in this subsection waives any
23 legal requirement under any Federal or State
24 law.

25 “(h) MATCHING CONTRIBUTIONS.—

1 “(1) *Except as provided in paragraph (2), the*
2 *Secretary shall require that each coastal State that re-*
3 *ceives a grant under this section, or a qualified holder*
4 *designated by that coastal State under subsection (g),*
5 *shall provide matching funds in an amount equal to*
6 *at least 25 percent of the total cost of the project car-*
7 *ried out with the grant.*

8 “(2) *The Secretary may waive the application of*
9 *paragraph (1) for any qualified holder that is an un-*
10 *derserved community, a community that has an in-*
11 *ability to draw on other sources of funding because of*
12 *the small population or low income of the community,*
13 *or for other reasons the Secretary considers appro-*
14 *priate.*

15 “(3) *A local community designated as a quali-*
16 *fied holder under subsection (g) may utilize funds or*
17 *other in-kind contributions donated by a nongovern-*
18 *mental partner to satisfy the matching funds require-*
19 *ment under this subsection.*

20 “(4) *As a condition of receipt of a grant under*
21 *this section, the Secretary shall require that a coastal*
22 *State provide to the Secretary such assurances as the*
23 *Secretary determines are sufficient to demonstrate*
24 *that the share of the cost of each eligible project that*

1 *is not funded by the grant awarded under this section*
2 *has been secured.*

3 *“(5) If financial assistance under this section*
4 *represents only a portion of the total cost of a project,*
5 *funding from other Federal sources may be applied to*
6 *the cost of the project. Each portion shall be subject*
7 *to match requirements under the applicable provision*
8 *of law.*

9 *“(6) The Secretary shall treat as non-Federal*
10 *match the value of a working waterfront or interest*
11 *in a working waterfront, including conservation and*
12 *other easements, that is held in perpetuity by a quali-*
13 *fied holder, if the working waterfront or interest is*
14 *identified in the application for the grant and ac-*
15 *quired by the qualified holder within 3 years of the*
16 *grant award date, or within 3 years after the submis-*
17 *sion of the application and before the end of the grant*
18 *award period. Such value shall be determined by an*
19 *appraisal performed at such time before the award of*
20 *the grant as the Secretary considers appropriate.*

21 *“(7) The Secretary shall treat as non-Federal*
22 *match the costs associated with acquisition of a work-*
23 *ing waterfront or an interest in a working waterfront,*
24 *and the costs of restoration, enhancement, or other*
25 *improvement to a working waterfront, if the activities*

1 *are identified in the project application and the costs*
 2 *are incurred within the period of the grant award, or,*
 3 *for working waterfront described in paragraph (6),*
 4 *within the same time limits described in that para-*
 5 *graph. These costs may include either cash or in-kind*
 6 *contributions.*

7 “(i) *LIMIT ON ADMINISTRATIVE COSTS.—No more*
 8 *than 5 percent of the funds made available to the Secretary*
 9 *under this section may be used by the Secretary for plan-*
 10 *ning or administration of the program under this section.*

11 “(j) *OTHER TECHNICAL AND FINANCIAL ASSIST-*
 12 *ANCE.—*

13 “(1) *Up to 5 percent of the funds appropriated*
 14 *under this section may be used by the Secretary for*
 15 *purposes of providing technical assistance as de-*
 16 *scribed in this subsection.*

17 “(2) *The Secretary shall—*

18 “(A) *provide technical assistance to coastal*
 19 *States and local governments in identifying and*
 20 *obtaining other sources of available Federal tech-*
 21 *nical and financial assistance for the develop-*
 22 *ment and revision of a working waterfront plan*
 23 *and the implementation of an approved working*
 24 *waterfront plan;*

1 “(B) provide technical assistance to States
2 and local governments for the development, im-
3 plementation, and revision of comprehensive
4 working waterfront plans, which may include,
5 subject to the availability of appropriations,
6 planning grants and assistance, pilot projects,
7 feasibility studies, research, and other projects
8 necessary to further the purposes of this section;

9 “(C) assist States in developing other tools
10 to protect working waterfronts;

11 “(D) collect and disseminate to States guid-
12 ance for best storm water management practices
13 in regards to working waterfronts;

14 “(E) provide technical assistance to States
15 and local governments on integrating resilience
16 planning into working waterfront preservation
17 efforts; and

18 “(F) collect and disseminate best practices
19 on working waterfronts and resilience planning.

20 “(k) *REPORTS.*—

21 “(1) *The Secretary shall—*

22 “(A) develop performance measures to
23 evaluate and report on the effectiveness of the
24 program under this section in accomplishing the
25 purpose of this section; and

1 “(B) submit to Congress a biennial report
2 that includes such evaluations, an account of all
3 expenditures, and descriptions of all projects car-
4 ried out using grants awarded under this sec-
5 tion.

6 “(2) The Secretary may submit the biennial re-
7 port under paragraph (1)(B) by including it in the
8 biennial report required under section 316.

9 “(l) DEFINITIONS.—In this section:

10 “(1) The term ‘qualified holder’ means a coastal
11 State or a unit of local or coastal State government
12 or a non-State organization designated by a coastal
13 State under subsection (g).

14 “(2) The term ‘Secretary’ means the Secretary,
15 acting through the National Oceanic and Atmospheric
16 Administration.

17 “(3) The term ‘working waterfront’ means real
18 property (including support structures over water
19 and other facilities) that provides access to coastal
20 waters to persons engaged in commercial and rec-
21 reational fishing, recreational fishing and boating
22 businesses, boatbuilding, aquaculture, or other water-
23 dependent, coastal-related business and is used for, or
24 that supports, commercial and recreational fishing,
25 recreational fishing and boating businesses,

1 *boatbuilding, aquaculture, or other water-dependent,*
2 *coastal-related business.*

3 “(4) The term ‘working waterfront covenant’
4 *means an agreement in recordable form between the*
5 *owner of working waterfront and one or more quali-*
6 *fied holders, that provides such assurances as the Sec-*
7 *retary may require that—*

8 “(A) the title to or interest in the working
9 *waterfront will be held by a grant recipient or*
10 *qualified holder in perpetuity, except as provided*
11 *in subparagraph (C);*

12 “(B) the working waterfront will be man-
13 *aged in a manner that is consistent with the*
14 *purposes for which the property is acquired pur-*
15 *suant to this section, and the property will not*
16 *be converted to any use that is inconsistent with*
17 *the purpose of this section;*

18 “(C) if the title to or interest in the working
19 *waterfront is sold or otherwise exchanged—*

20 “(i) all working waterfront owners and
21 *qualified holders involved in such sale or ex-*
22 *change shall accede to such agreement; and*

23 “(ii) funds equal to the fair market
24 *value of the working waterfront or interest*
25 *in working waterfront shall be paid to the*

1 *Secretary by parties to the sale or exchange,*
 2 *and such funds shall, at the discretion of the*
 3 *Secretary, be paid to the coastal State in*
 4 *which the working waterfront is located for*
 5 *use in the implementation of the working*
 6 *waterfront plan of the State approved by*
 7 *the Secretary under this section; and*

8 *“(D) such covenant is subject to enforcement*
 9 *and oversight by the coastal State or by another*
 10 *person as determined appropriate by the Sec-*
 11 *retary.*

12 *“(m) AUTHORIZATION OF APPROPRIATIONS.—There is*
 13 *authorized to be appropriated to the Grant Program*
 14 *\$12,000,000.”.*

15 **SEC. 3. WORKING WATERFRONTS PRESERVATION FUND;**
 16 **GRANTS.**

17 *The Coastal Zone Management Act of 1972 (16 U.S.C.*
 18 *1451 et seq.) is further amended by adding at the end the*
 19 *following:*

20 **“SEC. 321. WORKING WATERFRONTS PRESERVATION LOAN**
 21 **FUND.**

22 *“(a) FUND.—There is established in the Treasury a*
 23 *separate account that shall be known as the ‘Working Wa-*
 24 *terfronts Preservation Loan Fund’ (in this section referred*
 25 *to as the ‘Fund’).*

1 “(b) *USE.*—

2 “(1) *Subject to the availability of appropri-*
3 *ations, amounts in the Fund may be used by the Sec-*
4 *retary to make loans to coastal States for the purpose*
5 *of implementing a working waterfront plan approved*
6 *by the Secretary under section 320(c) through preser-*
7 *vation, improvement, restoration, rehabilitation, ac-*
8 *quisition of working waterfront properties under cri-*
9 *teria established by the Secretary.*

10 “(2) *Upon enactment of this section, the Sec-*
11 *retary of Commerce shall conduct a feasibility study*
12 *on the administration of the development and man-*
13 *agement of a Working Waterfronts Preservation Loan*
14 *Fund.*

15 “(3) *Upon the completion of the study under*
16 *paragraph (2), the Secretary shall establish a fund in*
17 *accordance with the results of that study, and estab-*
18 *lish such criteria as referenced in subsection (c) in*
19 *consultation with States that have a management*
20 *program approved by the Secretary of Commerce pur-*
21 *suant to section 306 and local government coastal*
22 *management programs.*

23 “(c) *AWARD CRITERIA.*—*The Secretary shall award*
24 *loans under this section through a regionally equitable,*

1 competitive funding process, and in accordance with the fol-
2 lowing:

3 “(1) The Governor, or the lead agency designated
4 by the Governor for coordinating the implementation
5 of this section, where appropriate in consultation
6 with the appropriate local government, shall deter-
7 mine that an application for a loan is consistent with
8 the State’s approved coastal zone plan, program, and
9 policies prior to submission to the Secretary.

10 “(2) In developing guidelines under this section,
11 the Secretary shall consult with coastal States, other
12 Federal agencies, and other interested stakeholders
13 with expertise in working waterfront planning.

14 “(3) Coastal States may allocate amounts loaned
15 under this section to local governments, agencies, or
16 nongovernmental organizations eligible for loans
17 under this section.

18 “(4) In awarding a loan for activities in a
19 coastal State, the Secretary shall consider—

20 “(A) the economic and cultural significance
21 of working waterfront to the coastal State;

22 “(B) the demonstrated working waterfront
23 needs of the coastal State as outlined by a work-
24 ing waterfront plan approved for the coastal
25 State under section 320(c), and the value of the

1 *proposed loan for the implementation of such*
2 *plan;*

3 *“(C) the ability to successfully leverage loan*
4 *funds among participating entities, including*
5 *Federal programs, regional organizations, State*
6 *and other government units, landowners, cor-*
7 *porations, or private organizations;*

8 *“(D) the potential for rapid turnover in the*
9 *ownership of working waterfront in the coastal*
10 *State, and where applicable the need for coastal*
11 *States to respond quickly when properties in ex-*
12 *isting or potential working waterfront areas or*
13 *public access areas as identified in the working*
14 *waterfront plan submitted by the coastal State*
15 *come under threat or become available;*

16 *“(E) the impact of the loan on the coastal*
17 *ecosystem and the users of the coastal ecosystem;*
18 *and*

19 *“(F) the extent of the historic connection be-*
20 *tween working waterfronts for which the loan*
21 *will be used and the local communities within*
22 *the coastal State.*

23 *“(d) LOAN AMOUNT AND TERMS.—*

24 *“(1) The amount of a loan under this section—*

25 *“(A) shall be not less than \$100,000; and*

1 “(B) shall not exceed 15 percent of the
2 amount in the Fund as of July 1 of the fiscal
3 year in which the loan is made.

4 “(2) The interest rate for a loan under this sec-
5 tion shall not exceed 4 percent.

6 “(3) The repayment term for a loan under this
7 section shall not exceed 20 years.

8 “(e) DEADLINE FOR APPROVAL.—The Secretary shall
9 approve or reject an application for a loan under this sec-
10 tion within 60 days after receiving an application for the
11 loan.

12 “(f) LIMIT ON ADMINISTRATIVE COSTS.—No more
13 than 5 percent of the funds made available to the Secretary
14 under this section may be used by the Secretary for plan-
15 ning or administration of the program under this section.

16 “(g) DEFINITIONS.—The definitions in section 320(l)
17 shall apply to this section.

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Fund \$12,000,000.”.

Union Calendar No. 238

116TH CONGRESS
1ST Session

H. R. 3596

[Report No. 116-295]

A BILL

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes.

NOVEMBER 15, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed