

117TH CONGRESS  
1ST SESSION

# H. R. 3160

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2021

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

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## 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  
8       U.S.C. 1451 et seq.) is amended by adding at the end  
9       the following:

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

2 “(a) WORKING WATERFRONT TASK FORCE.—

3 “(1) ESTABLISHMENT AND FUNCTIONS.—The  
4 Secretary of Commerce shall establish a task force  
5 to work directly with coastal States, user groups,  
6 and coastal stakeholders to identify and address crit-  
7 ical needs with respect to working waterfronts.

8 “(2) MEMBERSHIP.—The members of the task  
9 force shall be appointed by the Secretary of Com-  
10 merce, and shall include—

11 “(A) experts in the unique economic, so-  
12 cial, cultural, ecological, geographic, and re-  
13 source concerns of working waterfronts; and

14 “(B) representatives from the National  
15 Oceanic and Atmospheric Administration’s Of-  
16 fice of Coastal Management, the United States  
17 Fish and Wildlife Service, the Department of  
18 Agriculture, the Environmental Protection  
19 Agency, the United States Geological Survey,  
20 the Navy, the National Marine Fisheries Serv-  
21 ice, the Economic Development Agency, and  
22 such other Federal agencies as the Secretary  
23 considers appropriate.

24 “(3) FUNCTIONS.—The task force shall—

25 “(A) identify and prioritize critical needs  
26 with respect to working waterfronts in States

1           that have a management program approved by  
2           the Secretary of Commerce pursuant to section  
3           306, in the areas of—

4                   “(i) economic and cultural importance  
5                   of working waterfronts to communities;

6                   “(ii) changing environments and  
7                   threats working waterfronts face from en-  
8                   vironment changes, trade barriers, sea level  
9                   rise, extreme weather events, ocean acidifi-  
10                  cation, and harmful algal blooms; and

11                  “(iii) identifying working waterfronts  
12                  and highlighting them within communities;

13                  “(B) outline options, in coordination with  
14                  coastal States and local stakeholders, to address  
15                  such critical needs, including adaptation and  
16                  mitigation where applicable;

17                  “(C) identify Federal agencies that are re-  
18                  sponsible under existing law for addressing such  
19                  critical needs; and

20                  “(D) recommend Federal agencies best  
21                  suited to address any critical needs for which  
22                  no agency is responsible under existing law.

23                  “(4) INFORMATION TO BE CONSIDERED.—In  
24                  identifying and prioritizing policy gaps pursuant to  
25                  paragraph (3), the task force shall consider the find-

1        ings and recommendations contained in section VI of  
2        the report entitled ‘The Sustainable Working Water-  
3        fronts Toolkit: Final Report’, dated March 2013.

4            “(5) REPORT.—Not later than 18 months after  
5        the date of the enactment of this section, the task  
6        force shall submit a report to Congress on its find-  
7        ings.

8            “(6) IMPLEMENTATION.—The head of each  
9        Federal agency identified in the report pursuant to  
10       paragraph (3)(C) shall take such action as is nec-  
11       essary to implement the recommendations contained  
12       in the report by not later than 1 year after the date  
13       of the issuance of the report.

14        “(b) WORKING WATERFRONT GRANT PROGRAM.—

15            “(1) The Secretary shall establish a Working  
16        Waterfront Grant Program, in cooperation with ap-  
17        propriate State, regional, and other units of govern-  
18        ment, under which the Secretary may make a grant  
19        to any coastal State for the purpose of implementing  
20        a working waterfront plan approved by the Secretary  
21        under subsection (c).

22            “(2) Subject to the availability of appropria-  
23        tions, the Secretary shall award matching grants  
24        under the Working Waterfronts Grant Program to  
25        coastal States with approved working waterfront

1 plans through a regionally equitable, competitive  
2 funding process in accordance with the following:

3 “(A) The Governor, or the lead agency  
4 designated by the Governor for coordinating the  
5 implementation of this section, where appro-  
6 priate in consultation with the appropriate local  
7 government, shall determine that the applica-  
8 tion is consistent with the State’s or territory’s  
9 approved coastal zone plan, program, and poli-  
10 cies prior to submission to the Secretary.

11 “(B) In developing guidelines under this  
12 section, the Secretary shall consult with coastal  
13 States, other Federal agencies, and other inter-  
14 ested stakeholders with expertise in working  
15 waterfront planning.

16 “(C) Coastal States may allocate grants to  
17 local governments, Indian Tribes, agencies, or  
18 nongovernmental organizations eligible for as-  
19 sistance under this section.

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

22 “(A) the economic, cultural, and historical  
23 significance of working waterfront to the coast-  
24 al State;

1           “(B) the demonstrated working waterfront  
2 needs of the coastal State as outlined by a  
3 working waterfront plan approved for the coast-  
4 al State under subsection (c), and the value of  
5 the proposed project for the implementation of  
6 such plan;

7           “(C) the ability to successfully leverage  
8 funds among participating entities, including  
9 Federal programs, regional organizations, State  
10 and other government units, landowners, cor-  
11 porations, or private organizations;

12           “(D) the potential for rapid turnover in  
13 the ownership of working waterfront in the  
14 coastal State, and where applicable the need for  
15 coastal States to respond quickly when prop-  
16 erties in existing or potential working water-  
17 front areas or public access areas as identified  
18 in the working waterfront plan submitted by  
19 the coastal State come under threat or become  
20 available; and

21           “(E) the impact of the working waterfront  
22 plan approved for the coastal State under sub-  
23 section (c) on the coastal ecosystem and the  
24 users of the coastal ecosystem.

1           “(4) The Secretary shall approve or reject an  
2           application for such a grant within 60 days after re-  
3           ceiving an application for the grant.

4           “(c) WORKING WATERFRONT PLANS.—

5           “(1) To be eligible for a grant under subsection  
6           (b), a coastal State must submit and have approved  
7           by the Secretary a comprehensive working water-  
8           front plan in accordance with this subsection, or be  
9           in the process of developing such a plan and have an  
10          established working waterfront program at the State  
11          or local level, or the Secretary determines that an  
12          existing coastal land use plan for that State is in ac-  
13          cordance with this subsection.

14          “(2) Such plan—

15               “(A) must provide for preservation and ex-  
16               pansion of access to coastal waters to persons  
17               engaged in commercial fishing, recreational  
18               fishing and boating businesses, aquaculture,  
19               boatbuilding, or other water-dependent, coastal-  
20               related business;

21               “(B) shall include one or more of—

22                       “(i) an assessment of the economic,  
23                       social, cultural, and historic value of work-  
24                       ing waterfront to the coastal State;

1           “(ii) a description of relevant State  
2           and local laws and regulations affecting  
3           working waterfront in the geographic areas  
4           identified in the working waterfront plan;

5           “(iii) identification of geographic  
6           areas where working waterfronts are cur-  
7           rently under threat of conversion to uses  
8           incompatible with commercial and rec-  
9           reational fishing, recreational fishing and  
10          boating businesses, aquaculture,  
11          boatbuilding, or other water-dependent,  
12          coastal-related business, and the level of  
13          that threat;

14          “(iv) identification of geographic areas  
15          with a historic connection to working wa-  
16          terfronts where working waterfronts are  
17          not currently available, and, where appro-  
18          priate, an assessment of the environmental  
19          impacts of any expansion or new develop-  
20          ment of working waterfronts on the coastal  
21          ecosystem;

22          “(v) identification of other working  
23          waterfront needs including improvements  
24          to existing working waterfronts and work-  
25          ing waterfront areas;



1 “(vi) a strategic and prioritized plan  
2 for the preservation, expansion, and im-  
3 provement of working waterfronts in the  
4 coastal State;

5 “(vii) for areas identified under  
6 clauses (iii), (iv), (v), and (vi), identifica-  
7 tion of current availability and potential  
8 for expansion of public access to coastal  
9 waters;

10 “(viii) a description of the degree of  
11 community support for such strategic plan;  
12 and

13 “(ix) a contingency plan for properties  
14 that revert to the coastal State pursuant to  
15 determinations made by the coastal State  
16 under subsection (g)(4)(C);

17 “(C) may include detailed environmental  
18 impacts on working waterfronts, including haz-  
19 ards, sea level rise, inundation exposure, and  
20 other resiliency issues;

21 “(D) may be part of the management pro-  
22 gram approved under section 306;

23 “(E) shall utilize to the maximum extent  
24 practicable existing information contained in  
25 relevant surveys, plans, or other strategies to

1 fulfill the information requirements under this  
2 paragraph; and

3 “(F) shall incorporate the policies and reg-  
4 ulations adopted by communities under local  
5 working waterfront plans or strategies in exist-  
6 ence before the date of the enactment of this  
7 section.

8 “(3) A working waterfront plan—

9 “(A) shall be effective for purposes of this  
10 section for the 5-year period beginning on the  
11 date it is approved by the Secretary;

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

14 “(C) shall be complimentary to and incor-  
15 porate the policies and objectives of regional or  
16 local working waterfront plans as in effect be-  
17 fore the date of enactment of this section or as  
18 subsequently revised.

19 “(4) The Secretary may—

20 “(A) award planning grants to coastal  
21 States for the purpose of developing or revising  
22 comprehensive working waterfront plans; and

23 “(B) award grants consistent with the pur-  
24 poses of this section to States undertaking the  
25 working waterfront planning process under this

1 section, for the purpose of preserving and pro-  
2 tecting working waterfronts during such proc-  
3 ess.

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

6 “(A) develop a working waterfront plan,  
7 using a process that involves the public and  
8 those with an interest in the coastal zone;

9 “(B) coordinate development and imple-  
10 mentation of such a plan with other coastal  
11 management programs, regulations, and activi-  
12 ties of the coastal State; and

13 “(C) if the coastal State allows qualified  
14 holders (other than the coastal State) to enter  
15 into working waterfront covenants, provide as  
16 part of the working waterfront plan under this  
17 subsection a mechanism or procedure to ensure  
18 that the qualified holders are complying their  
19 duties to enforce the working waterfront cov-  
20 enant.

21 “(d) USES, TERMS, AND CONDITIONS.—

22 “(1) Each grant made by the Secretary under  
23 this section shall be subject to such terms and condi-  
24 tions as may be appropriate to ensure that the grant  
25 is used for purposes consistent with this section.

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

2                   “(A) to acquire a working waterfront, or  
3           an interest in a working waterfront;

4                   “(B) to make improvements to a working  
5           waterfront, including the construction or repair  
6           of wharfs, boat ramps, or related facilities; or

7                   “(C) for necessary climate adaptation miti-  
8           gation.

9           “(e) PUBLIC ACCESS REQUIREMENT.—A working  
10   waterfront project funded by grants made under this sec-  
11   tion must provide for expansion, improvement, or preser-  
12   vation of reasonable and appropriate public access to  
13   coastal waters at or in the vicinity of a working water-  
14   front, except for commercial fishing or other industrial ac-  
15   cess points where the coastal State determines that public  
16   access would be unsafe.

17           “(f) LIMITATIONS.—

18                   “(1) Except as provided in paragraph (2), a  
19           grant awarded under this section may be used to  
20           purchase working waterfront or an interest in work-  
21           ing waterfront, including an easement, only from a  
22           willing seller and at fair market value.

23                   “(2) A grant awarded under this section may  
24           be used to acquire working waterfront or an interest  
25           in working waterfront at less than fair market value

1       only if the owner certifies to the Secretary that the  
2       sale is being entered into willingly and without coer-  
3       cion.

4               “(3) No Federal, State, or local entity may ex-  
5       ercise the power of eminent domain to secure title to  
6       any property or facilities in connection with a  
7       project carried out under this section.

8       “(g) ALLOCATION OF GRANTS TO LOCAL GOVERN-  
9       MENTS AND OTHER ENTITIES.—

10              “(1) The Secretary shall encourage coastal  
11       States to broadly allocate amounts received as  
12       grants under this section among working water-  
13       fronts identified in working waterfront plans ap-  
14       proved under subsection (c).

15              “(2) Subject to the approval of the Secretary,  
16       a coastal State may, as part of an approved working  
17       waterfront plan, designate as a qualified holder any  
18       unit of State or local government or nongovern-  
19       mental organization, if the coastal State is ulti-  
20       mately responsible for ensuring that the property  
21       will be managed in a manner that is consistent with  
22       the purposes for which the land entered into the pro-  
23       gram.

24              “(3) A coastal State or a qualified holder des-  
25       ignated by a coastal State may allocate to a unit of

1 local government, nongovernmental organization,  
2 fishing cooperative, or other entity, a portion of any  
3 grant made under this section for the purpose of  
4 carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are  
5 applied in furtherance of the coastal State's approved working waterfront plan.  
6

7 “(4) A qualified holder may hold title to or interest in property acquired under this section, except  
8 that—  
9

10 “(A) all persons holding title to or interest  
11 in working waterfront affected by a grant under  
12 this section, including a qualified holder, private  
13 citizen, private business, nonprofit organization,  
14 fishing cooperative, or other entity, shall enter  
15 into a working waterfront covenant;  
16

17 “(B) such covenant shall be held by the  
18 coastal State or a qualified holder designated  
19 under paragraph (2);  
20

21 “(C) if the coastal State determines, on  
22 the record after an opportunity for a hearing,  
23 that the working waterfront covenant has been  
24 violated—

1 “(i) all right, title, and interest in and  
2 to the working waterfront covered by such  
3 covenant shall, except as provided in sub-  
4 paragraph (D), revert to the coastal State;  
5 and

6 “(ii) the coastal State shall have the  
7 right of immediate entry onto the working  
8 waterfront;

9 “(D) if a coastal State makes a determina-  
10 tion under subparagraph (C), the coastal State  
11 may convey or authorize the qualified holder to  
12 convey the working waterfront or interest in  
13 working waterfront to another qualified holder;  
14 and

15 “(E) nothing in this subsection waives any  
16 legal requirement under any Federal or State  
17 law.

18 “(h) MATCHING CONTRIBUTIONS.—

19 “(1) Except as provided in paragraph (2), the  
20 Secretary shall require that each coastal State that  
21 receives a grant under this section, or a qualified  
22 holder designated by that coastal State under sub-  
23 section (g), shall provide matching funds in an  
24 amount equal to at least 25 percent of the total cost  
25 of the project carried out with the grant.

1           “(2) The Secretary may waive the application  
2           of paragraph (1) for any qualified holder that is an  
3           underserved community, a community that has an  
4           inability to draw on other sources of funding because  
5           of the small population or low income of the commu-  
6           nity, or for other reasons the Secretary considers ap-  
7           propriate.

8           “(3) A local community designated as a quali-  
9           fied holder under subsection (g) may utilize funds or  
10          other in-kind contributions donated by a nongovern-  
11          mental partner to satisfy the matching funds re-  
12          quirement under this subsection.

13          “(4) As a condition of receipt of a grant under  
14          this section, the Secretary shall require that a coast-  
15          al State provide to the Secretary such assurances as  
16          the Secretary determines are sufficient to dem-  
17          onstrate that the share of the cost of each eligible  
18          project that is not funded by the grant awarded  
19          under this section has been secured.

20          “(5) If financial assistance under this section  
21          represents only a portion of the total cost of a  
22          project, funding from other Federal sources may be  
23          applied to the cost of the project. Each portion shall  
24          be subject to match requirements under the applica-  
25          ble provision of law.



1           “(6) The Secretary shall treat as non-Federal  
2           match the value of a working waterfront or interest  
3           in a working waterfront, including conservation and  
4           other easements, that is held in perpetuity by a  
5           qualified holder, if the working waterfront or inter-  
6           est is identified in the application for the grant and  
7           acquired by the qualified holder within 3 years of  
8           the grant award date, or within 3 years after the  
9           submission of the application and before the end of  
10          the grant award period. Such value shall be deter-  
11          mined by an appraisal performed at such time before  
12          the award of the grant as the Secretary considers  
13          appropriate.

14          “(7) The Secretary shall treat as non-Federal  
15          match the costs associated with acquisition of a  
16          working waterfront or an interest in a working wa-  
17          terfront, and the costs of restoration, enhancement,  
18          or other improvement to a working waterfront, if the  
19          activities are identified in the project application and  
20          the costs are incurred within the period of the grant  
21          award, or, for working waterfront described in para-  
22          graph (6), within the same time limits described in  
23          that paragraph. These costs may include either cash  
24          or in-kind contributions.

1       “(i) LIMIT ON ADMINISTRATIVE COSTS.—No more  
2 than 5 percent of the funds made available to the Sec-  
3 retary under this section may be used by the Secretary  
4 for planning or administration of the program under this  
5 section.

6       “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-  
7 ANCE.—

8               “(1) Up to 5 percent of the funds appropriated  
9 under this section may be used by the Secretary for  
10 purposes of providing technical assistance as de-  
11 scribed in this subsection.

12              “(2) The Secretary shall—

13                      “(A) provide technical assistance to coastal  
14 States and local governments in identifying and  
15 obtaining other sources of available Federal  
16 technical and financial assistance for the devel-  
17 opment and revision of a working waterfront  
18 plan and the implementation of an approved  
19 working waterfront plan;

20                      “(B) provide technical assistance to States  
21 and local governments for the development, im-  
22 plementation, and revision of comprehensive  
23 working waterfront plans, which may include,  
24 subject to the availability of appropriations,  
25 planning grants and assistance, pilot projects,

1 feasibility studies, research, and other projects  
2 necessary to further the purposes of this sec-  
3 tion;

4 “(C) assist States in developing other tools  
5 to protect working waterfronts;

6 “(D) collect and disseminate to States  
7 guidance for best storm water management  
8 practices in regards to working waterfronts;

9 “(E) provide technical assistance to States  
10 and local governments on integrating resilience  
11 planning into working waterfront preservation  
12 efforts; and

13 “(F) collect and disseminate best practices  
14 on working waterfronts and resilience planning.

15 “(k) REPORTS.—

16 “(1) The Secretary shall—

17 “(A) develop performance measures to  
18 evaluate and report on the effectiveness of the  
19 program under this section in accomplishing the  
20 purpose of this section; and

21 “(B) submit to Congress a biennial report  
22 that includes such evaluations, an account of all  
23 expenditures, and descriptions of all projects  
24 carried out using grants awarded under this  
25 section.

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

4           “(1) DEFINITIONS.—In this section:

5           “(1) The term ‘qualified holder’ means a coast-  
6           al State or a unit of local or coastal State govern-  
7           ment or a non-State organization designated by a  
8           coastal State under subsection (g).

9           “(2) The term ‘Secretary’ means the Secretary,  
10          acting through the National Oceanic and Atmos-  
11          pheric Administration.

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

23          “(4) The term ‘working waterfront covenant’  
24          means an agreement in recordable form between the  
25          owner of working waterfront and one or more quali-

1       fied holders, that provides such assurances as the  
2       Secretary may require that—

3               “(A) the title to or interest in the working  
4       waterfront will be held by a grant recipient or  
5       qualified holder in perpetuity, except as pro-  
6       vided in subparagraph (C);

7               “(B) the working waterfront will be man-  
8       aged in a manner that is consistent with the  
9       purposes for which the property is acquired  
10      pursuant to this section, and the property will  
11      not be converted to any use that is inconsistent  
12      with the purpose of this section;

13              “(C) if the title to or interest in the work-  
14      ing waterfront is sold or otherwise exchanged—

15                   “(i) all working waterfront owners  
16                   and qualified holders involved in such sale  
17                   or exchange shall accede to such agree-  
18                   ment; and

19                   “(ii) funds equal to the fair market  
20                   value of the working waterfront or interest  
21                   in working waterfront shall be paid to the  
22                   Secretary by parties to the sale or ex-  
23                   change, and such funds shall, at the dis-  
24                   cretion of the Secretary, be paid to the  
25                   coastal State in which the working water-

1 front is located for use in the implementa-  
 2 tion of the working waterfront plan of the  
 3 State approved by the Secretary under this  
 4 section; and

5 “(D) such covenant is subject to enforce-  
 6 ment and oversight by the coastal State or by  
 7 another person as determined appropriate by  
 8 the Secretary.

9 “(m) AUTHORIZATION OF APPROPRIATIONS.—There  
 10 is authorized to be appropriated to the Grant Program  
 11 \$15,000,000.”.

12 **SEC. 3. WORKING WATERFRONTS PRESERVATION FUND;**  
 13 **GRANTS.**

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

17 **“SEC. 321. WORKING WATERFRONTS PRESERVATION LOAN**  
 18 **FUND.**

19 “(a) FUND.—There is established in the Treasury a  
 20 separate account that shall be known as the ‘Working Wa-  
 21 terfronts Preservation Loan Fund’ (in this section re-  
 22 ferred to as the ‘Fund’).

23 “(b) USE.—

24 “(1) Subject to the availability of appropria-  
 25 tions, amounts in the Fund may be used by the Sec-

1       retary to make loans to coastal States for the pur-  
2       pose of implementing a working waterfront plan ap-  
3       proved by the Secretary under section 320(c)  
4       through preservation, improvement, restoration, re-  
5       habilitation, acquisition of working waterfront prop-  
6       erties under criteria established by the Secretary.

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

12              “(3) Upon the completion of the study under  
13      paragraph (2), the Secretary shall establish a fund  
14      in accordance with the results of that study, and es-  
15      tablish such criteria as referenced in subsection (c)  
16      in consultation with States that have a management  
17      program approved by the Secretary of Commerce  
18      pursuant to section 306 and local government coast-  
19      al management programs.

20              “(c) AWARD CRITERIA.—The Secretary shall award  
21      loans under this section through a regionally equitable,  
22      competitive funding process, and in accordance with the  
23      following:

24              “(1) The Governor, or the lead agency des-  
25      ignated by the Governor for coordinating the imple-

1       mentation of this section, where appropriate in con-  
2       sultation with the appropriate local government,  
3       shall determine that an application for a loan is con-  
4       sistent with the State’s approved coastal zone plan,  
5       program, and policies prior to submission to the Sec-  
6       retary.

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

11              “(3) Coastal States may allocate amounts  
12      loaned under this section to local governments, In-  
13      dian Tribes, agencies, or nongovernmental organiza-  
14      tions eligible for loans under this section.

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

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

19                      “(B) the demonstrated working waterfront  
20                      needs of the coastal State as outlined by a  
21                      working waterfront plan approved for the coast-  
22                      al State under section 320(c), and the value of  
23                      the proposed loan for the implementation of  
24                      such plan;



1           “(C) the ability to successfully leverage  
2           loan funds among participating entities, includ-  
3           ing Federal programs, regional organizations,  
4           State and other government units, landowners,  
5           corporations, or private organizations;

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

15          “(E) the impact of the loan on the coastal  
16          ecosystem and the users of the coastal eco-  
17          system; and

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

22          “(d) LOAN AMOUNT AND TERMS.—

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

24                         “(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  
9           shall approve or reject an application for a loan under this  
10          section within 60 days after receiving an application for  
11          the loan.

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

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

19          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
20          is authorized to be appropriated to the Fund  
21          \$15,000,000.”.

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