

**§ 3473. Regulations**

The Secretary of Agriculture shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 97-98, title XV, §1554, Dec. 22, 1981, 95 Stat. 1345.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title XV of Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1328, which enacted this chapter and sections 2272 and 2273 and chapter 73 (§ 4201 et seq.) of Title 7, Agriculture, amended sections 1002 to 1005 of this title, section 1010 of Title 7, section 714b of Title 15, Commerce and Trade, and section 1236 of Title 30, Mineral Lands and Mining, and enacted a provision set out as a note under section 2272 of Title 7.

**CHAPTER 55—COASTAL BARRIER RESOURCES**

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## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 5172.

**§ 3501. Congressional statement of findings and purpose**

(a) The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) The Congress declares that it is the purpose of this chapter to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing the John H. Chafee Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

(Pub. L. 97-348, §2, Oct. 18, 1982, 96 Stat. 1653; Pub. L. 100-707, title II, §204(c)(1), Nov. 23, 1988, 102 Stat. 4714; Pub. L. 106-167, §3(c)(1), Dec. 9, 1999, 113 Stat. 1804.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 97-348, Oct. 18, 1982, 96 Stat. 1653, as amended, known as the Coastal Barrier Resources Act, which is classified generally to this chapter (§3501 et seq.). For complete classification of this Act to the Code, see Short Title note set out below and Tables.

## AMENDMENTS

1999—Subsec. (b). Pub. L. 106-167 substituted "the John H. Chafee Coastal Barrier Resources System" for "a Coastal Barrier Resources System".

1988—Subsecs. (a)(1), (b). Pub. L. 100-707 inserted "and along the shore areas of the Great Lakes" after "Atlantic and Gulf coasts".

## SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-514, §1, Nov. 13, 2000, 114 Stat. 2394, provided that: "This Act [amending sections 3502, 3503, and 3510 of this title, repealing section 3509 of this title, enacting provisions set out as notes under this section and section 3503 of this title, and amending and repealing provisions set out as notes under section 3503 of this title] may be cited as the 'Coastal Barrier Resources Reauthorization Act of 2000'."

## SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-167, §1, Dec. 9, 1999, 113 Stat. 1803, provided that: "This Act [amending this section and sections

3502, 3503, and 3509 of this title, section 1441a-3 of Title 12, Banks and Banking, and section 4028 of Title 42, The Public Health and Welfare, and enacting and amending provisions set out as notes under section 3503 of this title] may be cited as the 'John H. Chafee Coastal Barrier Resources System Act'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-591, §1, Nov. 16, 1990, 104 Stat. 2931, provided that: "This Act [enacting section 1441a-3 of Title 12, Banks and Banking, amending sections 3502 to 3506 and 3510 of this title and section 4028 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 3503 of this title, and repealing provisions set out as a note under section 3505 of this title] may be cited as the 'Coastal Barrier Improvement Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Section 204(a) of Pub. L. 100-707 provided that: "This section [amending this section and sections 3502 and 3503 of this title and enacting provisions set out as a note under section 3505 of this title] may be cited as the 'Great Lakes Coastal Barrier Act of 1988'."

SHORT TITLE

Section 1 of Pub. L. 97-348 provided that: "This Act [enacting this chapter, amending section 4028 of Title 42, The Public Health and Welfare, and repealing provisions set out as a note under section 4028 of Title 42] may be cited as the 'Coastal Barrier Resources Act'."

ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

Pub. L. 106-514, §7, Nov. 13, 2000, 114 Stat. 2397, provided that:

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 13, 2000], the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

"(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

"(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

"(3) development assistance for roads, potable water supplies, and wastewater infrastructure."

§ 3502. Definitions

For purposes of this chapter—

(1) The term "undeveloped coastal barrier" means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

(i) is subject to wave, tidal, and wind energies, and

(ii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters;

but only if such feature and associated habitats contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not sig-

nificantly impede geomorphic and ecological processes.

(2) The term "Committees" means the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(B) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(C) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(D) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Such term includes flood insurance described in section 4028 of title 42.

(4) The term "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "System" means John H. Chafee Coastal Barrier Resources System established by section 3503(a) of this title.

(7) The term "System unit" means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the John H. Chafee Coastal Barrier Resources System established by section 3503 of this title.

(Pub. L. 97-348, §3, Oct. 18, 1982, 96 Stat. 1653; Pub. L. 99-272, title XIV, §14001(b)(5), Apr. 7, 1986, 100 Stat. 329; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-707, title II, §204(c)(2), Nov. 23, 1988, 102 Stat. 4714; Pub. L. 101-591, §2(a), (b)(1), (c), Nov. 16, 1990, 104 Stat. 2931; Pub. L. 106-167, §3(c)(2), Dec. 9, 1999, 113 Stat. 1804; Pub. L. 106-514, §4(a)(1), (2), Nov. 13, 2000, 114 Stat. 2396.)

AMENDMENTS

2000—Par. (2). Pub. L. 106-514, §4(a)(1), substituted "means the Committee on Resources" for "refers to the Committee on Merchant Marine and Fisheries".

Par. (3). Pub. L. 106-514, §4(a)(2), substituted "Such" for "Effective October 1, 1983, such" in concluding provisions.

1999—Pars. (6), (7). Pub. L. 106-167 substituted "John H. Chafee Coastal Barrier Resources System" for "Coastal Barrier Resources System".

1990—Par. (1). Pub. L. 101-591, §2(c), in concluding provisions, struck out cl. (i) designation, inserted a period after "processes", and struck out at end ", and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of