

title 26, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.”

Par. (1)(A). Pub. L. 101-591, §2(a), redesignated cls. (ii) and (iii) as (i) and (ii), respectively, and struck out former cl. (i) which read as follows: “consists of unconsolidated sedimentary materials.”

Par. (6). Pub. L. 101-591, §2(b)(1), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “The term ‘system maps’ means—

“(A) the maps that are entitled ‘Coastal Barrier Resources System’, numbered A01 through T12 (but excluding maps T02 and T03) and dated September 30, 1982, and the maps numbered T02A and T03A and dated December 8, 1982; and

“(B) the maps prepared under section 3503(b) of this title and any modification to those maps under that section.”

1988—Pars. (4) to (7). Pub. L. 100-707 added pars. (4) and (6) and redesignated former pars. (4) and (5) as (5) and (7), respectively.

1986—Par. (1). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Par. (3). Pub. L. 99-272 struck out subpar. (A) relating to general revenue-sharing grants made under section 6702 of title 31, and redesignated subpars. (B) to (E) as (A) to (D), respectively.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-272, effective Oct. 18, 1986, see section 14001(e) of Pub. L. 99-272.

§ 3503. Establishment of John H. Chafee Coastal Barrier Resources System

(a) Establishment

There is established the John H. Chafee Coastal Barrier Resources System, which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990, as those maps may be modified, revised, or corrected under—

(1) subsection (f)(3) of this section;

(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.

(b) System maps

The Secretary shall keep the maps referred to in subsection (a) of this section on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.

(c) Boundary review and modification

At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) of this section and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces.

(d) Additions to System

The Secretary may add a parcel of real property to the System, if—

(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

(2) the parcel is an undeveloped coastal barrier.

(e) Addition of excess Federal property

(1) Consultation and determination

Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be an undeveloped coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than 180 days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

(A) prepare a map depicting the undeveloped coastal barrier portion of such property; and

(B) publish in the Federal Register notice of the addition of such property to the System.

(2) Effective date of inclusion

An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under paragraph (1)(B) with respect to that area.

(f) Maps

The Secretary shall—

(1) keep a map showing the location of each boundary modification made under subsection (c) of this section and of each parcel of real property added to the System under subsection (d) or (e) of this section on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

(2) provide a copy of the map to—

(A) the State and unit of local government in which the property is located;

(B) the Committees; and

(C) the Federal Emergency Management Agency; and

(3) revise the maps referred to in subsection (a) of this section to reflect each boundary modification under subsection (c) of this section and each addition of real property to the System under subsection (d) or (e) of this section, after publishing in the Federal Register a notice of any such proposed revision.

(g) Guidelines for certain recommendations and determinations

(1) In general

In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

(B) there is existing infrastructure consisting of—

(i) a road, with a reinforced road bed, to each lot or building site in the area;

(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

(iii) electric service for each lot or building site in the area; and

(iv) a fresh water supply for each lot or building site in the area.

(2) Structure defined

In paragraph (1), the term “structure” means a walled and roofed building, other than a gas or liquid storage tank, that—

(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

(B) covers an area of at least 200 square feet.

(3) Savings clause

Nothing in this subsection supersedes the official maps referred to in subsection (a) of this section.

(Pub. L. 97-348, §4, Oct. 18, 1982, 96 Stat. 1654; Pub. L. 97-396, §8, Dec. 31, 1982, 96 Stat. 2007; Pub. L. 100-707, title II, §204(b), Nov. 23, 1988, 102 Stat. 4713; Pub. L. 101-591, §3, Nov. 16, 1990, 104 Stat. 2931; Pub. L. 106-167, §3(c)(3), Dec. 9, 1999, 113 Stat. 1804; Pub. L. 106-514, §§2-3(b)(1), (c), (d), Nov. 13, 2000, 114 Stat. 2394, 2395.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (e)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of the Act relating to management and disposal of Government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

CODIFICATION

The text of section 4(d) of Pub. L. 101-591, which was transferred and redesignated so as to appear as subsec. (e) of this section and amended by Pub. L. 106-514, was based on Pub. L. 101-591, §4(d), Nov. 16, 1990, 104 Stat. 2933, formerly included in a note set out under this section.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-514, §3(d), substituted “which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990, as those maps may be modified, revised, or corrected under—” and pars. (1) to (3) for “which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990, as such maps may be revised by the Secretary under section 4 of the Coastal Barrier Improvement Act of 1990.”

Subsec. (d). Pub. L. 106-514, §3(a), added subsec. (d).

Subsec. (e). Pub. L. 106-514, §3(b)(1), transferred and redesignated the text of section 4(d) of Pub. L. 101-591

so as to appear as subsec. (e) of this section, in par. (1), substituted “180” for “one hundred and eighty” in introductory provisions and struck out “shall” before “publish” in subpar. (B), in par. (2), substituted “paragraph (1)(B)” for “subsection (d)(1)(B)”, and struck out par. (3), which required revision of maps as soon as practicable after a unit was added to the System. See Codification note above.

Subsec. (f). Pub. L. 106-514, §3(c), added subsec. (f).

Subsec. (g). Pub. L. 106-514, §2, added subsec. (g).

1999—Pub. L. 106-167, §3(c)(3)(A), substituted “John H. Chafee Coastal Barrier Resources System” for “Coastal Barrier Resources System” in section catchline.

Subsec. (a). Pub. L. 106-167, §3(c)(3)(B), substituted “the John H. Chafee Coastal Barrier Resources System” for “the Coastal Barrier Resources System”.

1990—Pub. L. 101-591 amended section generally, substituting provisions relating to establishment of Coastal Barrier Resources System consisting of undeveloped coastal barriers and other areas on United States coasts identified on maps entitled “Coastal Barrier Resources System” dated Oct. 24, 1990, as maintained and revised by the Secretary, for provisions which related to Coastal Barrier Resources System consisting of undeveloped coastal barriers on the Atlantic and Gulf Coasts of the United States and included within the System on Apr. 19, 1983, and undeveloped coastal barriers along Great Lakes shore areas to be recommended by the Secretary and so designated by Congress, with maps to be revised by the Secretary and maintained by Office of Director of United States Fish and Wildlife Service.

1988—Pub. L. 100-707 amended section generally to provide that the Coastal Barrier Resources System include those undeveloped coastal barriers located on the Atlantic and Gulf Coasts of the United States and included within the System on Apr. 19, 1983, and the Great Lakes barriers, to make all System maps available to public inspection, and to revise and update provisions for making boundary modifications.

1982—Subsec. (a)(1). Pub. L. 97-396 inserted “(but excluding maps T02 and T03)” after “A01 through T12”, and “and the maps designated T02A and T03A, dated December 8, 1982” after “and dated September 30, 1982”.

DIGITAL MAPPING PILOT PROJECT

Pub. L. 106-514, §6, Nov. 13, 2000, 114 Stat. 2396, provided that:

“(a) IN GENERAL.—

“(1) PROJECT.—The Secretary of the Interior (referred to in this section as the ‘Secretary’), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

“(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the ‘System’), ½ of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)).

“(b) DATA.—

“(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

“(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

“(3) ADDITIONAL DATA.—If the Secretary determines that data necessary to carry out the pilot project

under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

“(4) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

“(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)) [43 U.S.C. 1457 note]; and

“(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A-16.

“(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Nov. 13, 2000], the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

“(2) CONTENTS.—The report shall include a description of—

“(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

“(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

“(C) the need for additional data to complete digital mapping of the entire System;

“(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

“(E) the amount of funding necessary to complete digital mapping of the entire System.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000 for each of fiscal years 2002 through 2004.”

FINDINGS

Pub. L. 106-167, § 2, Dec. 9, 1999, 113 Stat. 1803, provided that: “Congress finds that—

“(1) during the past 2 decades, Senator John H. Chafee was a leading voice for the protection of the environment and the conservation of the natural resources of the United States;

“(2) Senator Chafee served on the Environment and Public Works Committee of the Senate for 22 years, influencing every major piece of environmental legislation enacted during that time;

“(3) Senator Chafee led the fight for clean air, clean water, safe drinking water, and cleanup of toxic wastes, and for strengthening of the National Wildlife Refuge System and protections for endangered species and their habitats;

“(4) millions of people of the United States breathe cleaner air, drink cleaner water, and enjoy more plentiful outdoor recreation opportunities because of the work of Senator Chafee;

“(5) in 1982, Senator Chafee authored and succeeded in enacting into law the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts; and

“(6) to reflect the invaluable national contributions made by Senator Chafee during his service in the Senate, the Coastal Barrier Resources System should be named in his honor.”

REDESIGNATION OF COASTAL BARRIER RESOURCES SYSTEM

Pub. L. 106-167, § 3(a), (b), Dec. 9, 1999, 113 Stat. 1804, provided that:

“(a) IN GENERAL.—The Coastal Barrier Resources System established by section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is redesignated as the ‘John H. Chafee Coastal Barrier Resources System’.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Coastal Barrier Resources System shall be deemed to be a reference to the John H. Chafee Coastal Barrier Resources System.”

REVISION OF MAPS FOR UNITS OF SYSTEM

The following acts directed the Secretary of the Interior to make technical revisions and corrections to maps relating to particular units of the John H. Chafee Coastal Barrier Resources System:

Pub. L. 106-360, § 1, Oct. 27, 2000, 114 Stat. 1399.

Pub. L. 106-332, Oct. 19, 2000, 114 Stat. 1306.

Pub. L. 106-128, § 1, Dec. 6, 1999, 113 Stat. 1652.

Pub. L. 106-116, § 1, Nov. 29, 1999, 113 Stat. 1544.

Pub. L. 105-277, div. A, § 101(e) [title I, title I, § 134, title III, § 335], Oct. 21, 1998, 112 Stat. 2681-231, 2681-238, 2681-264, 2681-295.

Pub. L. 104-333, div. I, title II, § 220, Nov. 12, 1996, 110 Stat. 4115.

Pub. L. 104-265, title II, § 201, Oct. 9, 1996, 110 Stat. 3289.

Pub. L. 104-148, § 2, May 24, 1996, 110 Stat. 1378.

Pub. L. 103-461, § 1(a), (b), Nov. 2, 1994, 108 Stat. 4804.

Pub. L. 102-440, title III, § 303, Oct. 23, 1992, 106 Stat. 2234.

CORRECTION OF ERRORS IN MAPS; MODIFICATION OF BOUNDARIES; ADDITIONS TO SYSTEM

Pub. L. 101-591, § 4, Nov. 16, 1990, 104 Stat. 2932, as amended by Pub. L. 106-514, § 3(b)(1)(A), (2), Nov. 13, 2000, 114 Stat. 2395, provided that:

“(a) TECHNICAL REVISION OF MAPS AND PROVISION TO STATE AND LOCAL GOVERNMENT.—Not later than 180 days after the date of the enactment of this Act [Nov. 16, 1990], the Secretary shall—

“(1) make such technical revisions to the maps referred to in section 4(a) of the Coastal Barrier Resources Act [16 U.S.C. 3503(a)] (as amended by section 3 of this Act) as may be necessary to correct existing clerical and typographical errors in the maps; and

“(2) provide copies of the maps, as so revised, to—

“(A) each State and each local government in which is located a unit of the System;

“(B) the coastal zone management agency of each State—

“(i) in which is located a unit of the System; and

“(ii) which has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

“(C) appropriate Federal agencies.

“(b) RECOMMENDATIONS OF STATE AND LOCAL GOVERNMENTS FOR BOUNDARY MODIFICATIONS.—(1) Not later than 1 year after the date of the enactment of this Act [Nov. 16, 1990]—

“(A) a local government in which is located a unit of the System and which is in a State which has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

“(B) the coastal zone management agency of a State in which is located a unit of the System and which has such a program approved;

may each submit to the Secretary recommendations for minor and technical modifications to the boundaries of existing units of the System located in that local government or State, respectively.

“(2) If, in the case of any minor and technical modification to the boundaries of System units made under

the authority of section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e)), an appropriate chief executive officer of a State, county or equivalent jurisdiction, or State coastal zone management agency to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, or if the Secretary fails to adopt a modification pursuant to a proposal submitted by an appropriate State coastal zone management agency under paragraph (1) of this subsection, the Secretary shall submit to the chief executive officer a written justification for the failure to make modifications consistent with such comments or proposals.

“(c) ELECTIONS TO ADD TO SYSTEM.—

“(1) PROVISION OF MAPS BY SECRETARY.—Not later than 180 days after the date of the enactment of this Act [Nov. 16, 1990], the Secretary shall provide—

“(A) to each local government in which is located an undeveloped coastal barrier not included within the System; and

“(B) to the Governor of each State in which such an area is located;

maps depicting those undeveloped coastal barriers not included within the System located in that local government or State, respectively.

“(2) ELECTIONS.—Not later than 18 months after the date of the enactment of this Act, a local government and the Governor of any State referred to in paragraph (1), and any qualified organization—

“(A) may each elect to add to the System, as a new unit or as an addition to an existing unit, any area of qualified coastal barrier (or any portion thereof) which is owned or held by the local government, State, or qualified organization, respectively;

“(B) shall notify the Secretary of that election; and

“(C) shall submit to the Secretary a map depicting the area, if—

“(i) the area (or portion) is not depicted on a map provided by the Secretary under paragraph (1); or

“(ii) the local government, State, or qualified organization was not provided maps under paragraph (1).

“(3) EFFECTIVE DATE OF ELECTION.—An area elected by a local government, Governor of a State, or qualified organization to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under subsection (e)(1)(C) with respect to that election.

“[(d) Redesignated section 3503(e) of this title.]

“(e) MODIFICATION OF BOUNDARIES, REVISION OF MAPS, AND PUBLICATION OF NOTICE.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [Nov. 16, 1990], the Secretary—

“(A) based on recommendations submitted by local governments and State coastal zone management agencies under subsection (b), may make such minor and technical modifications to the boundaries of existing units of the System as are consistent with the purposes of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) and are necessary to clarify the boundaries of those units;

“(B) shall revise the maps referred to in section 4(a) of the Act [16 U.S.C. 3503(a)] (as amended by section 3 of this Act)—

“(i) to reflect those modifications; and

“(ii) to reflect each election of a local government, Governor of a State, or qualified organization to add an area to the System pursuant to subsection (c); and

“(C) shall publish in the Federal Register notice of each such modification or election.

“(2) EFFECTIVE DATE OF MODIFICATIONS.—A modification of the boundaries of a unit of the System under paragraph (1)(A) shall take effect on the date

on which the Secretary published notice in the Federal Register under paragraph (1)(C) with respect to that modification.”

PACIFIC COASTAL BARRIER PROTECTION STUDY AND MAPS

Section 6 of Pub. L. 101-591 directed Secretary of the Interior, not later than 6 months after Nov. 16, 1990, to prepare and submit to Congress a study examining the need for protecting undeveloped coastal barriers along the Pacific coast of the United States south of 49 degrees north latitude through inclusion in the System; as soon as practicable after Nov. 16, 1990, to prepare maps identifying the boundaries of those undeveloped coastal barriers (as that term is defined in 16 U.S.C. 3502(1)) of the United States bordering the Pacific Ocean south of 49 degrees north latitude; and, not later than 12 months after Nov. 16, 1990, to submit to Congress maps identifying the boundaries of those undeveloped coastal barriers of the United States bordering the Pacific Ocean south of 49 degrees north latitude which the Secretary and the appropriate Governor consider to be appropriate for inclusion in the System.

REPORT REGARDING COASTAL BARRIER MANAGEMENT

Pub. L. 101-591, §8, Nov. 16, 1990, 104 Stat. 2937, which established the Coastal Barriers Task Force, provided for its membership, required the Task Force to submit a report to Congress regarding the Coastal Barrier Resources System not later than the expiration of the 2-year period beginning on Nov. 16, 1990, and required the Task Force to terminate 90 days after submission of the report, was repealed by Pub. L. 106-514, §4(b), Nov. 13, 2000, 114 Stat. 2396.

DEFINITIONS

Section 12 of Pub. L. 101-591, as amended by Pub. L. 106-167, §3(c)(6), Dec. 9, 1999, 113 Stat. 1804, provided that: “For purposes of this Act [see Short Title of 1990 Amendment note set out under section 3501 of this title]—

“(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 features and associated habitats contain few manmade structures and these structures, and man’s activities on such features and within such habitats, do not significantly impede geomorphic and ecological processes.

“(2) the term ‘otherwise protected area’ means an undeveloped coastal barrier within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes;

“(3) the term ‘qualified organization’ means such an organization under section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3));

“(4) the term ‘Secretary’ means the Secretary of the Interior; and

“(5) the term ‘System’ means the John H. Chafee Coastal Barrier Resources System established by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), as amended by this Act.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3502, 3504, 3505 of this title; title 42 section 4028.

§ 3504. Limitations on Federal expenditures affecting the System

(a) Construction or purchase of structure, facility, road, airport, etc.; projects to prevent erosion; exceptions

Except as provided in section 3505 of this title, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 3503 of this title on maps numbered S01 through S08 and LA07 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) New expenditures or new financial assistance

An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this chapter, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date on which the relevant System unit or portion of the System unit was included within the System under this chapter or the Coastal Barrier Improvement Act of 1990; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date.

(Pub. L. 97-348, §5, Oct. 18, 1982, 96 Stat. 1656; Pub. L. 101-591, §§2(b)(2), 5(c), Nov. 16, 1990, 104 Stat. 2931, 2936.)

REFERENCES IN TEXT

The Coastal Barrier Improvement Act of 1990, referred to in subsec. (b)(1), is Pub. L. 101-591, Nov. 16, 1990, 104 Stat. 2931, which enacted section 1441a-3 of Title 12, Banks and Banking, amended sections 3502 to 3506 and 3510 of this title and section 4028 of Title 42, The Public Health and Welfare, enacted provisions set out as notes under section 3503 of this title, and repealed provisions set out as a note under section 3505 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 3501 of this title and Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-591, §2(b)(2)(A), in introductory provisions substituted “the System” for “the Coastal Barrier Resources System”.

Subsec. (a)(3). Pub. L. 101-591, §5(c), substituted “through S08 and LA07” for “through S08”.

Subsec. (b)(1). Pub. L. 101-591, §2(b)(2)(B), substituted “on which the relevant System unit or portion of the System unit was included within the System under this chapter or the Coastal Barrier Improvement Act of 1990” for “of the enactment of this Act”.

Subsec. (b)(2). Pub. L. 101-591, §2(b)(2)(C), struck out “of enactment” after “before such date”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3505 of this title.

§ 3505. Exceptions to limitations on expenditures

(a) In general

Notwithstanding section 3504 of this title, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

(2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.

(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this chapter:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 and section 1362¹ of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except

¹ See References in Text note below.