

§ 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of Title 42, The Public Health and Welfare, enacted provisions set out as notes under section 3503 of this title, and repealed provisions set out as a note under section 3505 of this title.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.