

SUBCHAPTER VI—MISCELLANEOUS
PROVISIONS

§ 3471. Payments for land removed from production for conservation purposes; authorization of appropriations

(a) The Secretary of Agriculture may enter into contracts to provide financial assistance in the form of payments to owners and operators of cropland located in counties where the soil normally freezes to a depth of at least four inches annually who remove such land from agricultural production for a period not to exceed one year for the purpose of installing enduring conservation measures which involve excavation of the soil. The payments under such contracts shall be in such amounts as determined by the Secretary to be necessary to effectuate the purposes of this subchapter but shall not exceed an amount equal to the number of acres of cropland removed from agricultural production for such purpose multiplied by 50 per centum of the typical annual rent, as determined by the Secretary, paid for similar land in the county. Financial assistance may not be provided under this section with respect to any conservation measure without the approval of the soil and water conservation district board for the district in which the land is located, and may not, in the aggregate, be provided in any year with respect to more than one-half of 1 per centum of the cropland in any county.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, such sums to remain available until expended.

(Pub. L. 97-98, title XV, §1552, Dec. 22, 1981, 95 Stat. 1344.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original "this subtitle", meaning subtitle J (§§1550-1554) of title XV of Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1344, which enacted this subchapter and section 2273 of Title 7, Agriculture, and amended section 1236 of Title 30, Mineral Lands and Mining. For complete classification of subtitle J to the Code, see Tables.

§ 3472. Conservation tillage; Congressional findings, etc.

(a) Congress finds that—

(1) domestic and international demand for agricultural products from the United States is great and is expected to significantly increase over the next twenty years;

(2) the ability of the United States to provide agricultural products to meet that demand is seriously impaired by the annual loss of five billion tons of soil due to wind and water erosion;

(3) the battle against soil erosion is being lost despite the annual expenditure of millions of dollars by the Federal Government on research, technical assistance, and conservation incentives to control soil erosion;

(4) conservation tillage practices are estimated to reduce soil erosion by 50 to 90 per centum over conventional farming practices; and

(5) conservation tillage may result in better yields, greater land use flexibility, decreased

fuel use, decreased labor and equipment costs, increased retention of soil moisture, and more productive land than conventional farming practices and may be adaptable to a broad range of soil types and slopes throughout the country.

(b) It is the sense of Congress that the Secretary of Agriculture should, and is hereby urged and requested to—

(1) direct the attention of our Nation's farmers to the costs and benefits of conservation tillage as a means of controlling soil erosion and improving profitability; and

(2) conduct a program of research designed to resolve any unanswered questions regarding the advantages and disadvantages of conservation tillage over other soil conservation practices.

(Pub. L. 97-98, title XV, §1553, Dec. 22, 1981, 95 Stat. 1345.)

§ 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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§ 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 [now Committee on Natural 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 significantly 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 the 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 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.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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 modi-

fications 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 chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 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.)

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.

In subsec. (e)(1), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

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 con-

sist 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”.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

COASTAL BARRIER RESOURCES REAUTHORIZATION

Pub. L. 109-226, May 25, 2006, 120 Stat. 381, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Coastal Barrier Resources Reauthorization Act of 2005’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) OTHERWISE PROTECTED AREA.—The term ‘otherwise protected area’ has the meaning given the term in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591).

“(2) PILOT PROJECT.—The term ‘pilot project’ means the digital mapping pilot project authorized under section 6 of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106-514).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(4) SYSTEM UNIT.—The term ‘System unit’ has the meaning given the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

“SEC. 3. DIGITAL MAPPING PILOT PROJECT FINALIZATION.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [May 25, 2006], the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives a report regarding the digital maps of the System units and otherwise protected areas created under the pilot project.

“(b) CONSULTATION.—The Secretary shall prepare the report required under subsection (a)—

“(1) in consultation with the Governors of the States in which any System units and otherwise protected areas are located; and

“(2) after—

“(A) providing an opportunity for the submission of public comments; and

“(B) considering any public comments submitted under subparagraph (A).

“(c) CONTENTS.—The report required under subsection (a) shall contain—

“(1) the final recommended digital maps created under the pilot project;

“(2) recommendations for the adoption of the digital maps by Congress;

“(3) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the digital maps;

“(4) a summary and update of the protocols and findings of the report required under section 6(d) of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106-514); and

“(5) an analysis of any benefits that the public would receive by using digital mapping technology for all System units and otherwise protected areas.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000 for each of fiscal years 2006 through 2007.

“SEC. 4. DIGITAL MAPPING PROJECT FOR THE REMAINING JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS AND OTHERWISE PROTECTED AREAS.

“(a) IN GENERAL.—The Secretary shall carry out a project to create digital versions of all 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)), including maps of otherwise protected areas, that were not included in the pilot project.

“(b) DATA.—

“(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the project under this section, the Secretary shall use any digital spatial data in the possession of Federal, State, and local agencies, including digital orthophotos, color infrared photography, wetlands data, and property parcel data.

“(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses any data referred to in paragraph (1) shall, on request of the Sec-

retary, promptly provide the data to the Secretary at no cost.

“(3) PROVISION OF DATA BY NON-FEDERAL AGENCIES.—State and local agencies and any other non-Federal entities that possess data referred to in paragraph (1) are encouraged, on request of the Secretary, to promptly provide the data to the Secretary at no cost.

“(4) ADDITIONAL DATA.—If the Secretary determines that any data necessary to carry out the project under this section does not exist, the Director of the United States Fish and Wildlife Service shall enter into an agreement with the Director of the United States Geological Survey under which the United States Geological Survey, in cooperation with the heads of other Federal agencies, as appropriate, shall obtain and provide to the Director of the United States Fish and Wildlife Service the data required to carry out this section.

“(5) 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 No. 12906 (59 Fed. Reg. 17671) [43 U.S.C. 1457 note]; and

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

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 5 years after the submission of the report under section 3(a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives a report regarding the digital maps created under this section.

“(2) CONSULTATION.—The Secretary shall prepare the report required under paragraph (1)—

“(A) in consultation with the Governors of the States in which the System units and otherwise protected areas are located; and

“(B) after—

“(i) providing an opportunity for the submission of public comments; and

“(ii) considering any public comments submitted under clause (i).

“(3) CONTENTS.—The report required under paragraph (1) shall contain—

“(A) a description of the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps;

“(B) a summary of the comments received from Governors, other government officials, and the public regarding the digital maps created under this section;

“(C) recommendations for the adoption of the digital maps created under this section by Congress;

“(D) recommendations for expansion of the John H. Chafee Coastal Barrier Resources System and otherwise protected areas, as in existence on the date of enactment of this Act [May 25, 2006];

“(E) a summary and update on the implementation and use of the digital maps created under the pilot project; and

“(F) a description of the feasibility of, and the amount of funding necessary for—

“(i) making all of the System unit and otherwise protected area maps available to the public in digital format; and

“(ii) facilitating the integration of digital System unit and otherwise protected area boundaries into Federal, State, and local planning tools.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each of fiscal years 2006 through 2010.

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.”
[Amended section 3510 of this title.]

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 [now Committee on Natural 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. 110-419, § 1, Oct. 15, 2008, 122 Stat. 4773.
- Pub. L. 109-355, § 1, Oct. 16, 2006, 120 Stat. 2018.
- Pub. L. 109-354, § 1, Oct. 16, 2006, 120 Stat. 2017.
- Pub. L. 108-380, § 1, Oct. 30, 2004, 118 Stat. 2210.
- Pub. L. 108-339, § 1, Oct. 18, 2004, 118 Stat. 1361.
- Pub. L. 108-138, § 1, Dec. 1, 2003, 117 Stat. 1869.
- Pub. L. 108-7, div. F, title I, § 155, Feb. 20, 2003, 117 Stat. 246.
- 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 publishes 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.”

§ 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”.

§ 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. 4601-4 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 with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(b) Existing Federal navigation channels

For purposes of subsection (a)(2) of this section, a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) Expansion of highways in Michigan

The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) of this section shall not apply to a highway—

(1) located in a unit of the System in Michigan; and

(2) in existence on November 16, 1990.

(d) Services and facilities outside System**(1) In general**

Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 3504 of this title shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System (as depicted on the maps referred to in section 3503(a) of this title) which relate to an activity within that unit.

(2) Prohibition of flood insurance coverage

No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

¹ See References in Text note below.

(3) Prohibition of HUD assistance**(A) In general**

No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(B) "Financial assistance" defined

For purposes of this paragraph, the term "financial assistance" includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

(Pub. L. 97-348, §6, Oct. 18, 1982, 96 Stat. 1656; Pub. L. 100-707, title I, §109(h), Nov. 23, 1988, 102 Stat. 4709; Pub. L. 101-591, §5(a), Nov. 16, 1990, 104 Stat. 2934.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a)(6)(C), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (a)(6)(C), is title III of Pub. L. 89-454, as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§1451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103), referred to in subsec. (a)(6)(E), was repealed by Pub. L. 103-325, title V, §551(a), Sept. 23, 1994, 108 Stat. 2269.

The National Flood Insurance Act of 1968, referred to in subsec. (d)(2), is title XIII of Pub. L. 90-448, Aug. 1, 1968, 82 Stat. 572, as amended, which is classified principally to chapter 50 (§4001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of Title 42 and Tables.

AMENDMENTS

1990—Pub. L. 101-591 amended section generally, substituting substantially similar provisions in subsec. (a), substituting "a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System" for "a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such improvement or structure was appropriated before October 18, 1982" in subsec. (b), and adding subsecs. (c) and (d).

1988—Subsec. (a)(6)(E). Pub. L. 100-707 substituted reference to sections 5170a, 5170b, and 5192 of title 42 for reference to sections 5145 and 5146 of title 42.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections

468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

EXPANSION OF HIGHWAYS IN MICHIGAN

Section 204(d) of Pub. L. 100-707 exempted existing highways in Michigan from limitations on the use of Federal expenditures or financial assistance within the Coastal Barrier Resources System under 16 U.S.C. 3505(a)(3) if the Congress added new units to the Coastal Barrier Resources System under 16 U.S.C. 3503, and those units included portions of United States or State highways in the State of Michigan, prior to repeal by Pub. L. 101-591, §5(b), Nov. 16, 1990, 104 Stat. 2936. See section 3505(c) of this title.

§ 3506. Certification of compliance**(a) Regulations**

Not later than 12 months after November 16, 1990, the head of each Federal agency affected by this chapter shall promulgate regulations to assure compliance with the provisions of this chapter.

(b) Certification

The head of each Federal agency affected by this chapter shall report and certify that each such agency is in compliance with the provisions of this chapter. Such reports and certifications shall be submitted annually to the Committees and the Secretary.

(Pub. L. 97-348, §7, Oct. 18, 1982, 96 Stat. 1657; Pub. L. 101-591, §14, Nov. 16, 1990, 104 Stat. 2941.)

AMENDMENTS

1990—Pub. L. 101-591 amended section generally. Prior to amendment, section read as follows: "The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this chapter during each fiscal year beginning after September 30, 1982. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974."

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to annually submitting reports and certifications to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 42 of House Document No. 103-7.

§ 3507. Priority of laws

Nothing contained in this chapter shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this chapter shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This chapter shall in no way be interpreted to interfere with a State's right to protect, reha-

bilitate, preserve, and restore lands within its established boundary.

(Pub. L. 97-348, § 8, Oct. 18, 1982, 96 Stat. 1658.)

§ 3508. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Pub. L. 97-348, § 9, Oct. 18, 1982, 96 Stat. 1658.)

§ 3509. Repealed. Pub. L. 106-514, § 4(a)(3), Nov. 13, 2000, 114 Stat. 2396

Section, Pub. L. 97-348, § 10, Oct. 18, 1982, 96 Stat. 1658; Pub. L. 106-167, § 3(c)(4), Dec. 9, 1999, 113 Stat. 1804, required report to Congress before the close of the 3-year period beginning on Oct. 18, 1982.

§ 3510. Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this chapter \$2,000,000 for each of fiscal years 2006 through 2010.

(Pub. L. 97-348, § 10, formerly § 12, Oct. 18, 1982, 96 Stat. 1659; Pub. L. 101-591, § 13(a), Nov. 16, 1990, 104 Stat. 2941; Pub. L. 103-461, § 1(c), Nov. 2, 1994, 108 Stat. 4804; renumbered § 10 and amended Pub. L. 106-514, § 5, Nov. 13, 2000, 114 Stat. 2396; Pub. L. 109-226, § 5, May 25, 2006, 120 Stat. 384.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 97-348 was classified to section 3509 of this title prior to repeal by Pub. L. 106-514.

AMENDMENTS

2006—Pub. L. 109-226 substituted “2006 through 2010” for “2001, 2002, 2003, 2004, and 2005”.

2000—Pub. L. 106-514 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to the Secretary for carrying out this chapter \$2,000,000 for each of fiscal years 1995 to 1998.”

1994—Pub. L. 103-461 amended section generally. Prior to amendment, section read as follows: “There is authorized to be appropriated to the Secretary for carrying out this chapter not more than \$1,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993.”

1990—Pub. L. 101-591 amended section generally. Prior to amendment, section read as follows: “There is authorized to be appropriated to the Department of the Interior \$1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 3503 and 3509 of this title.”

CHAPTER 56—NORTH ATLANTIC SALMON FISHING

Sec.	
3601.	Definitions.
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§ 3601. Definitions

As used in this chapter, the term—

(1) “Act of 1976” means the Act entitled “An Act to provide for the conservation and management of the fisheries, and for other purposes”, approved April 13, 1976 (16 U.S.C. 1801 et seq.);

(2) “Commission” means any of the Commissions of the Organization that are established by the Convention;

(3) “Commissioner” means a United States Commissioner appointed under section 3602 of this title;

(4) “Convention” means the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed at Reykjavik, Iceland, on March 2, 1982;

(5) “Council” means the Council established by the Convention;

(6) “fishing” has the same meaning as such term has in section 3(10)¹ of the Act of 1976 (16 U.S.C. 1802(10));

(7) “Organization” means the North Atlantic Salmon Conservation Organization established under the Convention;

(8) “person” has the same meaning as such term has in section 3(19)¹ of the Act of 1976 (16 U.S.C. 1802(19)); and

(9) “salmon” means all species of salmon which migrate in or into the waters of the Atlantic Ocean north of 36 degrees north latitude.

(Pub. L. 97-389, title III, § 302, Dec. 29, 1982, 96 Stat. 1951.)

REFERENCES IN TEXT

An Act to provide for the conservation and management of the fisheries, and for other purposes, approved April 13, 1976 (16 U.S.C. 1801 et seq.), referred to in par. (1), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Act of 1976 (16 U.S.C. 1802), referred to in pars. (6) and (8), was subsequently amended, and section 3(10) and (19) no longer defines the terms “fishing” and “person”. However, such terms are defined elsewhere in that section.

CODIFICATION

Section 3602 of this title, referred to in par. (3), was in the original “section 403 of this title”, meaning section 403 of title III of Pub. L. 97-389, and has been translated as section 3602 of this title, section 303 of title III of Pub. L. 97-389, as the probable intent of Congress, because title III of Pub. L. 97-389 does not contain a section 403 and section 3602 of this title relates to appointment of a United States Commissioner.

SHORT TITLE

Section 301 of title III of Pub. L. 97-389 provided: “This title [enacting this chapter] may be cited as the ‘Atlantic Salmon Convention Act of 1982’.”

Section 1 of Pub. L. 97-389 provided: “That this Act [enacting this chapter, amending sections 779b, 1034, and 1401 of this title and sections 688 and 883 of Title 46, Appendix, Shipping, and enacting provisions set out as notes under section 1823 of this title and section 688 of Title 46, Appendix] may be cited as the ‘Fisheries Amendments of 1982’.”

¹ See References in Text note below.