

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”.

Statutory Notes and Related Subsidiaries

GUIDANCE FOR EXPENDITURE OF FEDERAL FUNDS IN EMERGENCY SITUATIONS

Pub. L. 118-117, title I, §105(b), Nov. 25, 2024, 138 Stat. 1612, provided that: “Not later than 1 year after the date of the enactment of this Act [Nov. 25, 2024], the Secretary of the Interior, in consultation with the Chief of Engineers of the Army Corps of Engineers, shall develop and finalize guidance relating to the expenditure of Federal funds pursuant to the exception described in section 5(a)(3) of the Coastal Barrier Resources Act (16 U.S.C. 3504(a)(3)) for emergency situations that threaten life, land, and property immediately adjacent to a System unit (as defined in subsection (a) of section 3 of that Act (16 U.S.C. 3502)).”

§ 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 chapter 2003 of title 54 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) Emergency actions necessary 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, 5173, and 5192 of title 42 and are limited to actions that are necessary to alleviate the applicable 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.

(H) Aquaculture operations that—

(i) produce shellfish (including oysters, clams, and mussels), cultivate micro- or macro-algae, or do not require the use of aquaculture feeds; and

(ii) adhere to best management practices and conservation measures recommended by the Secretary through the consultation process referred to in this subsection.

(7) Use of a sand source within a System unit by Federal coastal storm risk management projects or their predecessor projects that have used a System unit for sand to nourish adjacent beaches outside the System pursuant to section 701n of title 33 at least once between December 31, 2008 and December 31, 2023 in response to an emergency situation prior to December 31, 2023.

(b) Existing Federal navigation channels

For purposes of subsection (a)(2), 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) 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.

(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.

(e) Applicability to Otherwise Protected Areas

(1) In general

The prohibitions on new Federal expenditures and financial assistance described in section 3504(a) of this title do not apply within Otherwise Protected Areas except with respect to limitations on new flood insurance coverage described in section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028).

(2) Exception

Notwithstanding paragraph (1), new Federal flood insurance may be provided for a structure in an Otherwise Protected Area that is used in a manner consistent with the purpose for which such Otherwise Protected Area is protected.

(f) Applicability to additions and insurable structures

(1) Additions

With respect to an addition to the System made under section 3503 of this title on or after November 25, 2024, subject to paragraph (2), the prohibitions on new Federal expenditures and financial assistance described in section 3504(a) of this title shall take effect on the date that is 1 year after the date on which such addition is made.

(2) Insurable structures

(A) In general

The prohibitions on new Federal expenditures and financial assistance described in section 3504(a) of this title do not apply to an insurable structure.

(B) Insurable structure defined

In this subsection, the term “insurable structure” means an insurable structure that is—

- (i) located within an addition described in paragraph (1); and

- (ii) in existence before the expiration of the applicable 1-year period described in paragraph (1).

(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; Pub. L. 113-287, §5(d)(34), Dec. 19, 2014, 128 Stat. 3267; Pub. L. 118-117, title I, §104, Nov. 25, 2024, 138 Stat. 1610.)

Editorial Notes

REFERENCES IN TEXT

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, 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.

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, 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

2024—Subsec. (a)(6)(E). Pub. L. 118-117, §104(1)(A)(i), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “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 1362 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.”

Subsec. (a)(6)(H). Pub. L. 118-117, §104(1)(A)(ii), added subpar. (H).

Subsec. (a)(7). Pub. L. 118-117, §104(1)(B), added par. (7).

Subsecs. (e), (f). Pub. L. 118-117, §104(2), added subsecs. (e) and (f).

2014—Subsec. (a)(6)(C). Pub. L. 113-287, which directed the substitution of “chapter 2003 of title 54” for “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11)” in section 6(a)(6)(C) of the Coastal Barrier Act of 1968, was executed by making the substitution for “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11)” in this section, which is section 6 of the Coastal Barrier Resources Act, to reflect the probable intent of Congress.

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.

Statutory Notes and Related Subsidiaries

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

Pub. L. 100-707, title II, §204(d), Nov. 23, 1988, 102 Stat. 4715, 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 1 year after November 25, 2024, the head of each Federal agency affected by this chapter shall revise or issue regulations and guidance as necessary to ensure 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; Pub. L. 118-117, title I, §105(a), Nov. 25, 2024, 138 Stat. 1612.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-117 amended subsec. (a) generally. Prior to amendment, text read as follows: “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.”

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.”

Statutory Notes and Related Subsidiaries

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, rehabilitate, 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—

- (1) \$2,000,000 for each of fiscal years 2006 through 2010; and
- (2) \$1,962,000 for each of fiscal years 2025 through 2031.

(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; Pub. L. 118-117, title I, §107, Nov. 25, 2024, 138 Stat. 1613.)

Editorial Notes

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

2024—Pub. L. 118-117 amended section generally. Prior to amendment, text read as follows: “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.”

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 car-