

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of Title 42, The Public Health and Welfare, enacted provisions set out as notes under section 3503 of this title, and repealed provisions set out as a note under section 3505 of this title.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

tures 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) 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<sup>1</sup> 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, re-

<sup>1</sup> See References in Text note below.

spectively, 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.

**(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; Pub. L. 113-287, §5(d)(34), Dec. 19, 2014, 128 Stat. 3267.)

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, 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

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 subssecs. (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

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 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.)