

serve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c) of this section, the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) of this section until the deficiency or inconsistency is remedied.

(3) The Secretary may withdraw the designation of an estuarine area as a national estuarine reserve if evaluation under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) of this section regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c) of this section.

(g) Report

The Secretary shall include in the report required under section 1462 of this title information regarding—

(1) new designations of national estuarine reserves;

(2) any expansion of existing national estuarine reserves;

(3) the status of the research program being conducted within the System; and

(4) a summary of the evaluations made under subsection (f) of this section.

(Pub. L. 89-454, title III, §315, formerly §312, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1288; renumbered §315 and amended Pub. L. 94-370, §§7, 12, July 26, 1976, 90 Stat. 1019, 1030; Pub. L. 96-464, §11, Oct. 17, 1980, 94 Stat. 2067; Pub. L. 99-272, title VI, §6044, Apr. 7, 1986, 100 Stat. 125; Pub. L. 101-508, title VI, §6214, Nov. 5, 1990, 104 Stat. 1388-313; Pub. L. 102-587, title II, §2205(b)(1)(A), (B), (21), (22), Nov. 4, 1992, 106 Stat. 5050, 5052; Pub. L. 104-150, §6, June 3, 1996, 110 Stat. 1381.)

AMENDMENTS

1996—Subsec. (e)(3)(C). Pub. L. 104-150 added subpar. (C).

1992—Subsec. (a). Pub. L. 102-587, §2205(b)(21), substituted “Research Reserve” for “Reserve Research”.

Subsec. (b). Pub. L. 102-587, §2205(b)(1)(A), substituted “coastal state” for “coastal State” in pars. (1) and (2)(B) and (D).

Subsec. (c)(4). Pub. L. 102-587, §2205(b)(22), substituted “paragraph (1)” for “subsection (1)”.

Subsec. (e). Pub. L. 102-587, §2205(b)(1)(A), (B), substituted “coastal state” for “coastal State” in par. (1)(A) and (B) and “coastal states” for “coastal States” in par. (2).

1990—Pub. L. 101-508, §6214(a), substituted “Research Reserve” for “Reserve Research” in section catchline.

Subsec. (e)(3)(A). Pub. L. 101-508, §6214(b), (d), substituted “percent” for “per centum” and “\$5,000,000” for “\$4,000,000”, and struck out “of subsection (e) of this section” after “paragraph (1)(A)(i)”.

Subsec. (e)(3)(B). Pub. L. 101-508, §6214(c), (d), substituted “70 percent” for “50 per centum”, struck out “of subsection (e) of this section” after “paragraph (1)(B)” and inserted before period at end “; except that the amount of the financial assistance provided under paragraph (1)(A)(iii) may be up to 100 percent of any costs for activities that benefit the entire System”.

1986—Pub. L. 99-272 amended section generally. Prior to amendment, section read as follows: “The Secretary

may, in accordance with this section and in accordance with such rules and regulations as the Secretary shall promulgate, make grants to any coastal state for the purpose of—

“(1) acquiring, developing, or operating estuarine sanctuaries, to serve as natural field laboratories in which to study and gather data on the natural and human processes occurring within the estuaries of the coastal zone; and

“(2) acquiring lands to provide for the preservation of islands, or portions thereof.

The amount of any such grant shall not exceed 50 per centum of the cost of the project involved; except that, in the case of acquisition of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed \$3,000,000. No grant for acquisition of land may be made under this section without the approval of the Governor of the State in which is located the land proposed to be acquired.”

1980—Pub. L. 96-464, in par. (2), substituted “the preservation of islands, or portions thereof” for “access to public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, and for the preservation of islands”; and in provision following par. (2), raised the spending limitation of \$2,000,000 to \$3,000,000 and inserted provision that no grant for acquisition of land may be made under this section without the approval of the Governor of the state in which the land proposed to be acquired is located.

1976—Pub. L. 94-370, §12, restructured existing provisions into pars. (1) and (2), inserted purpose of acquiring lands to provide for access to beaches and other coastal areas and for the preservation of islands, and struck out proviso that no Federal funds received pursuant to sections 1454 or 1455 of this title be used for purposes of this section.

§ 1462. Coastal zone management reports

(a) Biennial reports

The Secretary shall consult with the Congress on a regular basis concerning the administration of this chapter and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this chapter during each period of two consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to (1) an identification of the state programs approved pursuant to this chapter during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this chapter and a description of the status of each state’s programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved, and a statement of the reasons for such actions; (5) a summary of evaluation findings prepared in accordance with subsection (a) of section 1458 of this title, and a description of any sanctions imposed under subsections (c) and (d) of section 1458 of this title; (6) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 1456 of this title, are not consistent with an applicable approved state management program; (7) a summary of the regulations issued

by the Secretary or in effect during the preceding Federal fiscal year; (8) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (9) a summary of outstanding problems arising in the administration of this chapter in order of priority; (10) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 1456a of this title in dealing with such consequences; (11) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (12) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and (13) such other information as may be appropriate.

(b) Recommendations for legislation

The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this chapter and enhance its effective operation.

(c) Review of other Federal programs; report to Congress

(1) The Secretary shall conduct a systematic review of Federal programs, other than this chapter, that affect coastal resources for purposes of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this chapter. Not later than 1 year after October 17, 1980, the Secretary shall notify each Federal agency having appropriate jurisdiction of any conflict between its program and the purposes and policies of this chapter identified as a result of such review.

(2) The Secretary shall promptly submit a report to the Congress consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for changes necessary to resolve existing conflicts among Federal laws and programs that affect the uses of coastal resources.

(Pub. L. 89-454, title III, §316, formerly §313, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1288; renumbered §316 and amended Pub. L. 94-370, §§7, 13, July 26, 1976, 90 Stat. 1019, 1030; Pub. L. 96-464, §10, Oct. 17, 1980, 94 Stat. 2066; Pub. L. 102-587, title II, §2205(b)(23), Nov. 4, 1992, 106 Stat. 5052.)

AMENDMENTS

1992—Subsec. (a)(5). Pub. L. 102-587 substituted “subsections (c) and (d) of section 1458 of this title” for “subsections (c) and (d) of this section”.

1980—Subsec. (a). Pub. L. 96-464, §10(2), in provision preceding opening sentence, substituted provisions that the Secretary consult with Congress concerning the administration of this chapter and prepare and submit a biennial report to the President for transmittal to Congress for provisions that the Secretary prepare and submit to the President for transmittal to Congress an annual report for the preceding year not later than November 1 of each year, in cl. (4), substituted “reviewed and disapproved and a” for “reviewed and disapproved or with respect to which grants have been terminated under this chapter, and a”, added cl. (5), and redesignated cls. (5) to (12) as (6) to (13) respectively.

Subsec. (c). Pub. L. 96-464, §10(3), added subsec. (c).
1976—Subsec. (a). Pub. L. 94-370, §13, added cls. (9) to (11) and redesignated former cl. (9) as (12).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to transmittal to Congress of a biennial report summarizing the administration of this chapter, 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 53 of House Document No. 103-7.

SHELLFISH SANITATION

Section 16 of Pub. L. 94-370 provided that:

“(a) The Secretary of Commerce shall—

“(1) undertake a comprehensive review of all aspects of the molluscan shellfish industry, including, but not limited to, the harvesting, processing, and transportation of such shellfish; and

“(2) evaluate the impact of Federal law concerning water quality on the molluscan shellfish industry. The Secretary of Commerce shall, not later than April 30, 1977, submit a report to the Congress of the findings, comments, and recommendations (if any) which result from such review and evaluation.

“(b) The Secretary of Health, Education, and Welfare [now Health and Human Services] shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977. At least 60 days prior to the promulgation of any such regulations, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Commerce, shall publish an analysis (1) of the economic impact of such regulations on the domestic shellfish industry, and (2) the cost of such national shellfish safety program relative to the benefits that it is expected to achieve.”

ASSIGNMENT OF REPORTING FUNCTION

Memorandum of President of the United States, Aug. 5, 2005, 70 F.R. 46397, provided:

Memorandum for the Secretary of Commerce

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the functions of the President under section 316 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451, *et seq.*).

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 1463. Rules and regulations

The Secretary shall develop and promulgate, pursuant to section 553 of title 5, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 89-454, title III, §317, formerly §314, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1288; renumbered §317, Pub. L. 94-370, §7, July 26, 1976, 90 Stat. 1019.)

§ 1463a. Omitted

CODIFICATION

Section, Pub. L. 96-464, §12(a)-(g), Oct. 17, 1980, 94 Stat. 2067; Pub. L. 98-620, title IV, §402(20), Nov. 8, 1984, 98 Stat. 3358, which required the Secretary of Commerce to submit to Congress any final rule promulgated pursuant to this chapter and provided procedures for Congressional disapproval of such rules was omitted