TITLE 16 - CONSERVATION
CHAPTER 33 - COASTAL ZONE MANAGEMENT

§ 1456a. Coastal Zone Management Fund

(a) (1) The obligations of any coastal state or unit of general purpose local government to repay
loans made pursuant to this section as in effect before November 5, 1990, and any repayment
schedule established pursuant to this chapter as in effect before November 5, 1990, are not altered
by any provision of this chapter. Such loans shall be repaid under authority of this subsection
and the Secretary may issue regulations governing such repayment. If the Secretary finds that any
coastal state or unit of local government is unable to meet its obligations pursuant to this subsection
because the actual increases in employment and related population resulting from coastal energy
activity and the facilities associated with such activity do not provide adequate revenues to enable
such State or unit to meet such obligations in accordance with the appropriate repayment schedule,
the Secretary shall, after review of the information submitted by such State or unit, take any of
the following actions:

(A) Modify the terms and conditions of such loan.
(B) Refinance the loan.
(C) Recommend to the Congress that legislation be enacted to forgive the loan.

(2) Loan repayments made pursuant to this subsection shall be retained by the Secretary as
offsetting collections, and shall be deposited into the Coastal Zone Management Fund established
under subsection (b) of this section.

(b) (1) The Secretary shall establish and maintain a fund, to be known as the “Coastal Zone
Management Fund”, which shall consist of amounts retained and deposited into the Fund under
subsection (a) of this section and fees deposited into the Fund under section 1456 (i)(3) of this title.

(2) Subject to amounts provided in appropriation Acts, amounts in the Fund shall be available to
the Secretary for use for the following:

(A) Expenses incident to the administration of this chapter, in an amount not to exceed for
each of fiscal years 1997, 1998, and 1999 the higher of—
(i) $4,000,000; or
(ii) 8 percent of the total amount appropriated under this chapter for the fiscal year.

(B) After use under subparagraph (A)—

(i) projects to address management issues which are regional in scope, including
interstate projects;
(ii) demonstration projects which have high potential for improving coastal zone
management, especially at the local level;
(iii) emergency grants to State coastal zone management agencies to address unforeseen
or disaster-related circumstances;
(iv) appropriate awards recognizing excellence in coastal zone management as provided
in section 1460 of this title; and
(v) to provide financial support to coastal states for use for investigating and applying the
public trust doctrine to implement State management programs approved under section
1455 of this title.

Codification

Subsec. (b)(3) of this section, which required the Secretary to transmit to Congress an annual report on the Fund, including the balance of the Fund and an itemization of all deposits into and disbursements from the Fund, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 143 of House Document No. 103–7.

Amendments

1996—Subsec. (b)(2)(A). Pub. L. 104–150, § 5(a), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “Expenses incident to the administration of this chapter, in an amount not to exceed—

“(i) $5,000,000 for fiscal year 1991;
“(ii) $5,225,000 for fiscal year 1992;
“(iii) $5,460,125 for fiscal year 1993;
“(iv) $5,705,830 for fiscal year 1994; and
“(v) $5,962,593 for fiscal year 1995.”

Subsec. (b)(2)(B)(iv) to (vi). Pub. L. 104–150, § 2(b)(2), inserted “and” at end of cl. (iv), redesignated cl. (vi) as (v), and struck out former cl. (v) which read as follows: “program development grants as authorized by section 1454 of this title, in an amount not to exceed $200,000 for each of fiscal years 1997, 1998, and 1999; and”.

Subsec. (b)(2)(B)(v). Pub. L. 104–150, § 5(b), amended cl. (v) generally. Prior to amendment, cl. (v) read as follows: “program development grants as authorized by section 1454 of this title; and”.


Subsec. (a)(1). Pub. L. 102–587, § 2205(b)(16), in first sentence, made technical amendment to reference to this chapter to reflect change in corresponding provision of original act.


Subsec. (b)(1). Pub. L. 102–587, § 2205(b)(17), (18), struck out “(hereinafter in this section referred to as the ‘Fund’)” after “Management Fund” and inserted “and fees deposited into the Fund under section 1456 (i)(3) of this title” after “subsection (a) of this section”.


1990—Pub. L. 101–508, as amended by Pub. L. 102–587, § 2205(b)(15), amended section generally, substituting present provisions for provisions authorizing a coastal energy impact program, providing for administration of program, audit, financial assistance, rules and regulations and guarantees, establishing eligibility requirements for assistance, creating a Coastal Energy Impact Fund, prohibiting interference in any land or water use decision of any coastal state, requiring reports to Congress, and providing for definitions for the section.


Subsec. (d)(4). Pub. L. 96–464, § 7(2), struck out par. (4) which provided that the Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state’s coastal zone of any valuable environmental or recreational resource, if such loss results from coastal energy activity, if the Secretary finds that such state has not received amounts under subsec. (b) of this section which are sufficient to prevent, reduce, or ameliorate such loss.

1978—Subsec. (a)(1)(A). Pub. L. 95–372, § 501(b)(1), substituted “subsection (b)(5) of this section” for “subsection (b)(4) of this section”.

Subsec. (a)(1)(B). Pub. L. 95–372, § 503(b)(1), substituted “subsection (c)(1) of this section” for “subsection (c) of this section”.

Subsec. (a)(1)(C) to (G). Pub. L. 95–372, § 503(b)(2), added subpar. (C) and redesignated former subpars. (C) to (F) as (D) to (G).
Subsec. (b)(2). Pub. L. 95–372, § 501(a), substituted in provisions preceding subpar. (A) “Subject to paragraph (3), the amounts payable” for “The amounts granted” and subparagraphs (A), (B), and (C)” for “subparagraphs (A), (B), (C), and (D)”, in subpar. (A) “one-half” for “one-third”, and in subpars. (B) and (C) “one-quarter” for “one-sixth” and struck out subpar. (D), which related to a ratio involving the number of individuals who obtain new employment as a result of new or expanded outer Continental Shelf energy activities.


Subsec. (b)(5). Pub. L. 95–372, § 501(b)(1), redesignated par. (4) as (5) and, in par. (5) as so redesignated, struck out in subpar. (B)(i) provisions relating to the unavailability of adequate financing under any other subsection and inserted provisions following subpar. (B)(ii) authorizing the Secretary to describe the geographic areas in which the public facilities and public services referred to in subpar. (B)(i) shall be presumed to be required as a result of outer Continental Shelf energy activities for purposes of disbursing the proceeds of grants under this subsection. Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 95–372, § 501(b)(1), redesignated par. (5) as (6) and, in par. (6) as so redesignated, in provisions preceding subpar. (A) and in subpar. (B) substituted “paragraph (5)” for “paragraph (4)”.

Subsec. (c). Pub. L. 95–372, § 503(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (h). Pub. L. 95–372, § 503(c), substituted “subsections (c)(1)” for “subsections (c)” wherever appearing.

Subsec. (k). Pub. L. 95–372, §§ 501(b)(1), 503 (d), substituted in par. (1) “subsection (b)(5)(B) and (c)(1)” for “subsection (b)(4)(B) and (c)” and in par. (2) “subsection (b)(5)(B)” for “(b)(4)(B)”.

Effective Date of 1996 Amendment

Rescission of Balances and Future Payments
Pub. L. 112–55, div. B, title I, § 109, Nov. 18, 2011, 125 Stat. 602, provided that: “All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently rescinded, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a[b]), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended [2 U.S.C. 661 et seq.].”

Extension of Authority To Make Loans Under Subsection (d)(1)
Pub. L. 99–626, § 6, Nov. 7, 1986, 100 Stat. 3506, provided that: “The authority of the Secretary of Commerce to make loans under paragraph (1) of subsection (d) of section 308 of the Coastal Zone Management Act of 1972 (Public Law 92–583, 16 U.S.C. 1451 et seq.) as amended [16 U.S.C. 1456a (d)(1)], shall extend to September 30, 1987, for loans made to eligible States or units pursuant to and in accord with agreements entered into between the Secretary and any State prior to September 30, 1986, that provided for a total sum of loans to be made to that State or its units, but such loan authority shall be limited to $7,000,000.”