

(b) Civil penalties for violation; separate offenses; notice and hearing; assessment, collection, and remission; civil actions

Whoever violates any provision of this subchapter, or any order issued under this subchapter, shall be liable to a civil penalty of not more than \$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

(Aug. 2, 1946, ch. 753, title V, § 510, 60 Stat. 849; Pub. L. 97-322, title I, § 108(d), Oct. 15, 1982, 96 Stat. 1584; Pub. L. 97-449, § 2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 108-293, title VI, § 601(d), Aug. 9, 2004, 118 Stat. 1050.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-293 substituted “\$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter” for “\$1,000”.

1983—Subsec. (a). Pub. L. 97-449 substituted “Secretary of Transportation” for “Secretary of War” wherever appearing. See Transfer of Functions note below.

1982—Pub. L. 97-322 designated existing provisions as subsec. (a), made willfulness an element of the described offenses, and added subsec. (b).

TRANSFER OF FUNCTIONS

Section 6(g)(6)(C) of Pub. L. 89-670 transferred functions, powers, and duties of Secretary of the Army [formerly War] and other offices and officers of Department of the Army [formerly War] under this subchapter to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(C) of Pub. L. 89-670, and repealed section 6(g)(6)(C).

§ 534. Conveyance of right, title, and interest of United States in bridges transferred to States or political subdivisions; terms and conditions

The Secretary of the Army is authorized to transfer or convey to State authorities or political subdivisions thereof all right, title, and interest of the United States, in and to any and all bridges heretofore or hereafter constructed or acquired in connection with the improvement of canals, rivers and harbors, or works of flood control, together with the necessary lands, easements, or rights-of-way, upon such terms and conditions and with or without consideration, as

may be determined to be in the best interest of the United States by the Chief of Engineers: *Provided*, That such transferred bridges shall be toll-free.

(May 17, 1950, ch. 188, title I, § 109, 64 Stat. 168.)

CODIFICATION

Section was not enacted as part of the General Bridge Act of 1946 which comprises this subchapter.

SUBCHAPTER IV—INTERNATIONAL BRIDGES

§ 535. Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent

The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this subchapter referred to as an “international bridge”) and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of sections 491 to 498 of this title, except section 496 of this title, whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) of the provisions of this subchapter.

(Pub. L. 92-434, § 2, Sept. 26, 1972, 86 Stat. 731.)

SHORT TITLE

Section 1 of Pub. L. 92-434 provided: “That this Act [enacting this subchapter and amending section 129 of Title 23, Highways] may be cited as the ‘International Bridge Act of 1972.’”

§ 535a. Congressional consent to State agreements with Canada and Mexico; Secretary of State’s approval of agreements

The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

(1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or

(2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this subchapter. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

(Pub. L. 92-434, § 3, Sept. 26, 1972, 86 Stat. 731.)

§ 535b. Presidential approval; recommendations of Federal officials

No bridge may be constructed, maintained, and operated as provided in section 535 of this title unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International

Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, and (2) the heads of such departments and agencies of the Federal Government as he deems appropriate to determine the necessity for such bridge.

(Pub. L. 92-434, § 4, Sept. 26, 1972, 86 Stat. 731.)

§ 535c. Secretary of Transportation's approval; commencement and completion requirements; extension of time limits

The approval of the Secretary of Transportation, as required by section 491 of this title, shall be given only subsequent to the President's approval, as provided for in section 535b of this title, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.

(Pub. L. 92-434, § 5, Sept. 26, 1972, 86 Stat. 732.)

§ 535d. Repealed. Pub. L. 100-17, title I, § 135(g), Apr. 2, 1987, 101 Stat. 174

Section, Pub. L. 92-434, § 6, Sept. 26, 1972, 86 Stat. 732, directed that tolls charged for use of an international bridge constructed or acquired under this subchapter by private individual, company, or other private entity be collected for a reasonable period for amortization of construction or acquisition costs, plus interest and reasonable return, that at end of such period the United States portion of bridge become the property of the State having jurisdiction over such United States portion, and that accurate records on expenditures and tolls collected be kept and annually reported to Secretary of Transportation, with authority for Secretary to conduct audits.

§ 535e. Ownership

(a) Sale, assignment, or transfer; Secretary of Transportation's approval

Nothing in this subchapter shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this subchapter, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this subchapter: *Provided,* That such sale, assignment, or transfer shall be subject to approval by the Secretary of Transportation.

(b) State status of original applicant upon acquisition of right, title, and interest after termination of private entity licenses, contracts, or orders

Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of Transportation, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instru-

mentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 535d¹ of this title shall not apply.

(Pub. L. 92-434, § 8, Sept. 26, 1972, 86 Stat. 732.)

REFERENCES IN TEXT

Section 535d of this title, referred to in subsec. (b), was repealed by Pub. L. 100-17, title I, §135(g), Apr. 2, 1987, 101 Stat. 174.

§ 535f. Applicability of provisions

This subchapter shall apply to all international bridges constructed under the authority of this subchapter. Section 535a of this title and section 129(a)(3) of title 23, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State.

(Pub. L. 92-434, § 9, Sept. 26, 1972, 86 Stat. 733.)

§ 535g. Federal navigable waters and commerce jurisdiction unaffected

Nothing in this subchapter shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable water or any interstate or foreign commerce.

(Pub. L. 92-434, § 10, Sept. 26, 1972, 86 Stat. 733.)

§ 535h. Report of Secretary of Transportation's approval during fiscal year

The Secretary of Transportation shall make a report of all approvals granted by him during the fiscal year pursuant to section 535c of this title in each annual report of the activities of the Department required by section 308(a) of title 49.

(Pub. L. 92-434, § 11, Sept. 26, 1972, 86 Stat. 733.)

CODIFICATION

"Section 308(a) of title 49" substituted in text for "section 11 of the Department of Transportation Act (49 U.S.C. 1658)" on authority of Pub. L. 97-449, §6(b), Jan. 12, 1983, 96 Stat. 2443, the first section of which enacted subtitle I (§101 et seq.) of Title 49, Transportation.

§ 535i. Reservation of right to alter or repeal

The right to alter, amend, or repeal this subchapter is expressly reserved.

(Pub. L. 92-434, § 12, Sept. 26, 1972, 86 Stat. 733.)

CHAPTER 12—RIVER AND HARBOR IMPROVEMENTS GENERALLY

SUBCHAPTER I—GENERAL PROVISIONS

Sec. 540.	Investigations and improvements; control by Department of the Army; wildlife conservation.
540a.	Availability of appropriations for attendance by military personnel at meetings and for printing survey reports.

¹ See References in Text note below.