

Sec.	
467g-2.	Public awareness and outreach for dam safety.
467h.	Reports.
467i.	Statutory construction.
467j.	Authorization of appropriations.
467k to 467m.	Repealed.
467n.	Recovery of dam modification costs required for safety purposes.

SUBCHAPTER I—IN GENERAL

§ 400. Continuing authority programs

(1) Definition of continuing authority program project

In this section, the term “continuing authority program” means 1 of the following authorities:

- (A) Section 701s of this title.
- (B) Section 426i of this title.
- (C) Section 2330 of this title.
- (D) Section 2309a of this title.
- (E) Section 577 of this title.
- (F) Section 426g of this title.
- (G) Section 701r of this title.
- (H) Section 103 of the River and Harbor Act of 1962 (Public Law 87-874; 76 Stat. 1178).
- (I) Section 2326(e) of this title.
- (J) Section 701b-8a of this title.
- (K) Section 610(a) of this title.

(2) Prioritization

Not later than 1 year after June 10, 2014, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(3) Annual report

Not later than 1 year after June 10, 2014, and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

- (A) the name and a short description of each active continuing authority program project;
- (B) the cost estimate to complete each active project; and
- (C) the funding available in that fiscal year for each continuing authority program.

(4) Congressional notification

On publication in the Federal Register under paragraphs (2) and (3), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those paragraphs.

(Pub. L. 113-121, title I, § 1030(a), June 10, 2014, 128 Stat. 1231.)

REFERENCES IN TEXT

Section 103 of the River and Harbor Act of 1962, referred to in par. (1)(H), is section 103 of Pub. L. 87-874, title I, Oct. 23, 1962, 76 Stat. 1178. Section 103(a)(1)-(3) of Pub. L. 87-874 amended section 426e of this title. Section 103(a)(4) of Pub. L. 87-874 amended sections 426f and 426g of this title. Section 103(b) of Pub. L. 87-874 is set out as a note under section 426 of this title. Section 103(c) of Pub. L. 87-874 is not classified to the Code.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

§ 401. Construction of bridges, causeways, dams or dikes generally; exemptions

It shall not be lawful to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for (1) the bridge or causeway shall have been submitted to and approved by the Secretary of Transportation, or (2) the dam or dike shall have been submitted to and approved by the Chief of Engineers and Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of Transportation or by the Chief of Engineers and Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of Transportation or by the Chief of Engineers and Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of Transportation or the Chief of Engineers and the Secretary of the Army. The approval required by this section of the location and plans or any modification of plans of any bridge or causeway does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(Mar. 3, 1899, ch. 425, § 9, 30 Stat. 1151; Pub. L. 97-322, title I, § 107(b), Oct. 15, 1982, 96 Stat. 1582; Pub. L. 97-449, § 2(f), Jan. 12, 1983, 96 Stat. 2440.)

CODIFICATION

Section is from act Mar. 3, 1899, popularly known as the “Rivers and Harbors Appropriation Act of 1899”, and together with section 403 of this title superseded act Sept. 19, 1890, ch. 907, § 7, 26 Stat. 454, as amended by act July 13, 1892, ch. 158, § 3, 27 Stat. 88, which prohibited the erection of obstructions to navigation, and prohibited the erection of bridges over navigable waters under State legislation before the approval of the plans by the Secretary of War, and prohibited the alteration of channels unless authorized by that Secretary.

AMENDMENTS

1983—Pub. L. 97-449 amended section generally to reflect transfer of certain functions, powers, and duties of Secretary of the Army under this section to Secretary of Transportation. See Transfer of Functions note below.

1982—Pub. L. 97-322 inserted sentence at end relating to exemption.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Transportation related to compliance with permits for bridges across navigable waters issued under this section with respect to pre-construction, construction, and initial operation of transportation