

general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

(R.S. § 4300; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

R.S. § 4300 derived from act June 11, 1864, ch. 121, § 2, 13 Stat. 124.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

§ 392. Complaint and answer; jury trial

At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counterstatement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

(R.S. § 4301.)

CODIFICATION

R.S. § 4301 derived from act June 11, 1864, ch. 121, §§ 3, 4, 13 Stat. 125.

§ 393. Amendments of complaint and adjournments

It shall be lawful for the court to allow the United States attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

(R.S. § 4302; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

R.S. § 4302 derived from act June 11, 1864, ch. 121, § 6, 13 Stat. 125.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

§ 394. Challenge to jurors

At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

(R.S. § 4303.)

CODIFICATION

R.S. § 4303 derived from act June 11, 1864, ch. 121, § 7, 13 Stat. 125.

§ 395. Limit of sentence

It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding \$500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

(R.S. § 4304.)

CODIFICATION

R.S. § 4304 derived from act June 11, 1864, ch. 121, § 5, 13 Stat. 125.

§ 396. Recovery of penalties and forfeitures generally

All the penalties and forfeitures which may be incurred for offenses against title 48 of the Revised Statutes may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

(R.S. § 4305.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 48 of the Revised Statutes, consisting of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

CODIFICATION

R.S. § 4305 derived from act Dec. 31, 1792, ch. 1, § 29, 1 Stat. 298.

CHAPTER 9—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY

SUBCHAPTER I—IN GENERAL

Sec.	
400.	Continuing authority programs.
401.	Construction of bridges, causeways, dams or dikes generally; exemptions.
402.	Construction of bridges, etc., over Illinois and Mississippi Canal.
403.	Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.
403a.	Creation or continuance of obstruction of navigable waters.
403b.	Lighting at docks and boat launching facilities.
404.	Establishment of harbor lines; conditions to grants for extension of piers, etc.
405.	Establishment and modification of harbor lines on Potomac and Anacostia Rivers.
406.	Penalty for wrongful construction of bridges, piers, etc.; removal of structures.

Sec. 407.	Deposit of refuse in navigable waters generally.	Sec. 426i-1.	Repealed.
407a.	Deposit of debris of mines and stamp works.	426i-2.	National coastal data bank.
408.	Taking possession of, use of, or injury to harbor or river improvements.	426j.	Repealed.
408a.	Expediting approval of modifications and alterations of projects by non-Federal interests.	426k.	Five year demonstration program to temporarily increase diversion of water from Lake Michigan at Chicago, Illinois.
409.	Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels.	426l.	Protection of Lake Ontario.
410.	Exception as to floating loose timber, sack rafts, etc.; violation of regulations; penalty.	426m.	Collection and removal of drift and debris from publicly maintained commercial boat harbors and adjacent land and water areas.
411.	Penalty for wrongful deposit of refuse; use of or injury to harbor improvements, and obstruction of navigable waters generally.	426n.	Technical assistance to States and local governments; cost sharing.
412.	Liability of masters, pilots, etc., and of vessels engaged in violations.	426o.	Great Lakes material disposal.
413.	Duty of United States attorneys and other Federal officers in enforcement of provisions; arrest of offenders.	426o-1.	Great Lakes dredging levels adjustment.
414.	Removal by Secretary of the Army of sunken water craft generally; liability of owner, lessee, or operator.	426o-2.	Great Lakes navigation and protection.
415.	Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator.	426p.	Corps of Engineers.
416.	Appropriations for removal of sunken water craft.	427 to 430.	Repealed.
417.	Expenses of investigations by Department of the Army.	SUBCHAPTER II—OIL POLLUTION OF COASTAL WATERS	
418.	Provisions for protection of New York Harbor unaffected.	431 to 437. Repealed.	
419.	Regulation by Secretary governing transportation and dumping of dredgings, refuse, etc., into navigable waters; oyster lands; appropriations.	SUBCHAPTER III—NEW YORK HARBOR, HARBOR OF HAMPTON ROADS, AND HARBOR OF BALTIMORE	
419a.	Management practices to extend capacity and useful life of dredged material disposal areas.	441.	Deposit of refuse prohibited; penalty.
420.	Piers and cribs on Mississippi and St. Croix Rivers.	442.	Liability of officers of towing vessel.
421.	Deposit of refuse, etc., in Lake Michigan near Chicago.	443.	Permit for dumping; penalty for taking or towing boat or scow without permit.
422.	Modification and extension of harbor lines at Chicago.	444.	Dumping at other place than designated dumping grounds; penalty; person liable; excuses for deviation.
423.	Establishment of pierhead and bulkhead lines in Wilmington Harbor, California.	445.	Equipment and marking of boats or scows.
424.	Establishment of pierhead or bulkhead lines in Newport Harbor, California.	446.	Inspectors; appointment, powers, and duties.
424a.	Modification of harbor lines in Newport Harbor, California.	447.	Bribery of inspector; penalty.
425.	Omitted.	448.	Return of permit; penalty for failure to return.
426.	Investigations concerning erosion of shores of coastal and lake waters.	449.	Disposition of dredged matter; persons liable; penalty.
426-1.	Coastal Engineering Research Center; establishment; powers and functions.	450.	Liability of vessel.
426-2.	Board on Coastal Engineering Research.	451.	Supervisor of harbor; appointment and duties.
426-3.	Transfer of functions of Beach Erosion Board.	451a.	Harbors subject to this subchapter.
426a.	Additional investigations concerning erosion of shores of coastal and lake waters; payment of costs; "shores" defined.	451b.	Waters included within subchapter.
426b.	Applicability of existing laws; projects referred to Board of Engineers for Rivers and Harbors.	452.	Taking shellfish or otherwise interfering with navigation in New York Harbor channels; penalty; arrest and procedure.
426c.	Report by Coastal Engineering Research Center.	453.	Regulations for navigation of Ambrose Channel; exclusion of tows and sailing vessels.
426d.	Payment of expenses.	454.	Consent of Congress to obstruction of waters by New York City.
426e.	Federal aid in protection of shores.	SUBCHAPTER IV—POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA	
426e-1.	Shore protection projects.	461 to 464. Repealed.	
426e-2.	Clarification of munition disposal authorities.	SUBCHAPTER V—NAVIGABLE WATERS OF MARYLAND	
426f.	Reimbursements.	465.	Authority to dredge; riparian rights of United States.
426g.	Storm and hurricane restoration and impact minimization program.	SUBCHAPTER VI—WATER POLLUTION CONTROL	
426g-1.	State and regional plans.	466 to 466g.	Transferred.
426h.	Repealed.	466g-1.	Controversies involving construction or application of interstate compacts and pollution of waters.
426h-1.	Definitions.	466h to 466n.	Transferred or Repealed.
426i.	Shore damage prevention or mitigation.	SUBCHAPTER VII—DAM INSPECTION PROGRAM	
		467.	Definitions.
		467a.	Inspection of dams.
		467b.	Investigation reports to Governors.
		467c.	Determination of danger to human life and property.
		467d.	National dam inventory.
		467e.	Interagency Committee on Dam Safety.
		467f.	National dam safety program.
		467f-1.	Lock and dam security.
		467g.	Research.
		467g-1.	Dam safety training.

- 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